

GENERAL INDEX.

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FOR THE SESSION

59 & 60 VICTORIA, 1896.

[STATUTES OF PRACTICAL IMPORTANCE RELATING TO ENGLAND AND WALES ONLY
ARE SET OUT AT LENGTH.]

"SOLICITORS' JOURNAL" OFFICE, 27, CHANCERY LANE, LONDON.

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STATUTES.

59 VICTORIA.

CHAPTER 1.

[*Local Government (Elections) Act, 1896.*]

An Act to continue temporarily certain Powers for the Removal of Difficulties at Elections under the Local Government Act, 1894.

[6th March 1896.]

Be it enacted, &c.

1. *Power of county council to remove difficulties.*—(1.) If any difficulty arises with respect to any election of parish or district councillors or of guardians, or to the first meeting after any ordinary election of such councillors or guardians, or if, from an election not being held, or being defective, or otherwise, the council or board has not been properly constituted, the county council may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of any such election or meeting, and properly constituting the council or board, and may, if it appears to them necessary, direct the holding of an election or meeting, and fix the dates for any such election or meeting.

(2.) Any such order may modify the provisions of the Local Government Act, 1894 [56 & 57 Vict. c. 73], and the enactments applied by, or rules framed under, that Act, so far as may appear to the county council necessary or expedient for carrying the order into effect.

(3.) A county council may delegate their powers under this section to a committee.

2. *Duration.*] This Act shall continue in force until the thirty-first day of December one thousand eight hundred and ninety-seven, and no longer, unless continued by Parliament.

3. *Short title.*] This Act may be cited as the Local Government (Elections) Act, 1896.

CHAPTER 2.

[*Army (Annual) Act, 1896.*]

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army.

[27th March 1896.]

CHAPTER 3.

[*Consolidated Fund (No. 1) Act, 1896.*]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand eight hundred and ninety-six and one thousand eight hundred and ninety-seven.

[27th March 1896.]

CHAPTER 4.

[*Local Government (Elections) (No. 2) Act, 1896.*]

An Act to prevent certain Disqualifications for Elections to Parish Councils of 1896.

[27th March 1896.]

CHAPTER 5.

[*Poor Law Guardians (Ireland) (Women) Act, 1896.*]

An Act to enable Women to be elected and act as Poor Law Guardians in Ireland.

[31st March 1896.]

CHAPTER 6.

[*Naval Works Act, 1896.*]

An Act to make provision for the Construction of Works in the United Kingdom and elsewhere for the purpose of the Royal Navy.

[31st March 1896.]

CHAPTER 7.

[*Consolidated Fund (No. 2) Act, 1896.*]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-seven.

[21st May 1896.]

CHAPTER 8.

[*Life Assurance Companies (Payment into Court) Act, 1896.*]

An Act to enable Life Assurance Companies to pay Money into Court in certain cases.

[21st May 1896.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the Life Assurance Companies (Payment into Court) Act, 1896.

2. *Interpretation.*] In this Act—

The expression "life assurance company" means any corporation, company, or society carrying on the business of life assurance, not being a society registered under the Acts relating to friendly societies;

The expression "life policy" includes any policy not foreign to the business of life assurance.

3. *Power to pay money into court.*] Subject to rules of court any life assurance company may pay into the High Court, or, where the head office of the company is situated within the jurisdiction of the Chancery Court of the County Palatine of Lancaster, either into that court or into the High Court, any moneys payable by them under a life policy in respect of which, in the opinion of their board of directors, no sufficient discharge can otherwise be obtained.

4. *Receipt of officer sufficient discharge.*] The receipt or certificate of the proper officer shall be a sufficient discharge to the company for the moneys so paid into court, and such moneys shall, subject to rules of court, be dealt with according to the orders of the High Court or the Palatine Court, as the case may be.

5. *Extent of Act.*] This Act does not extend to Scotland.

CHAPTER 9.

[*Local Government (Determination of Differences) Act, 1896.*]

An Act to amend certain Provisions of the Local Government Act, 1888, with respect to the Determination of Differences by the Local Government Board.

[21st May 1896.]

Be it enacted, &c. :

1. *Amendment of 51 & 52 Vict. c. 44, s. 11, as to determination of differences.*] The Local Government Act, 1888, shall have effect, as if in sub-sections three and four of section eleven of that Act for the words "be determined by arbitration of the Local Government Board," and in sub-section nine of the same section for the words "be referred to the arbitration of the Local Government Board," were substituted the words "be determined by the Local Government Board either as arbitrators or otherwise at the option of the Board," and as if in section sixty-three of that Act for the words "are required in pursuance of this Act to decide," were inserted the words "determine as arbitrators."

2. *Validation of past orders.*] An order of the Local Government Board made before the passing of this Act and purporting to have been made for the determination of any matter under section eleven of the Local Government Act, 1888, shall not be invalid by reason only of the Board having determined the matter as arbitrators or otherwise, instead of appointing an arbitrator to determine it.

3. *Short title.*] This Act may be cited as the Local Government (Determination of Differences) Act, 1896.

59 & 60 VICTORIA.

CHAPTER 10.

[*Dispensary Committees (Ireland) Act, 1896.*]

An Act to amend the Law relating to the Appointment of Members of Dispensary Committees in Ireland.

[2nd July 1896.]

CHAPTER 11.

[*Housing of the Working Classes (Ireland) Act, 1896.*]

An Act to remove certain Doubts with respect to the Housing of the Working Classes Act, 1890, so far as it applies to Ireland.

[2nd July 1896.]

CHAPTER 12.

[*Derelict Vessels (Report) Act, 1896.*]

An Act for the better reporting of Floating Derelicts.

[2nd July 1896.]

CHAPTER 13.

[*Incumbents of Benefice Loans Extension Act, 1896.*]

An Act to extend the Time for the Repayment

of Loans granted by Queen Anne's Bounty to Incumbents of Benefices.

[20th July 1896.]

CHAPTER 14.

[*Short Titles Act, 1896.*]

An Act to facilitate the Citation of sundry Acts of Parliament.

[20th July 1896.]

CHAPTER 15.

[*Diseases of Animals Act, 1896.*]

An Act to amend the Diseases of Animals Act, 1894.

[20th July 1896.]

Be it enacted, &c.

1. *Slaughter of foreign animals.* (1.) For section twenty-four of the Diseases of Animals Act, 1894 [57 & 58 Vict. c. 57], shall be substituted the following section, namely:—

"The provisions set forth in Part I. (slaughter at port of landing) of the Third Schedule to this Act shall apply to all foreign animals other than—

(a) foreign animals the landing of which is for the time being prohibited by order of the Board of Agriculture; and

(b) foreign animals intended for exhibition or other exceptional purposes, and the landing of which is allowed for the time being by the Board, subject to the provisions of Part II. (quarantine) of the Third Schedule to this Act."

(2.) Section twenty-six of the Diseases of Animals Act, 1894, is hereby repealed.

2. *Commencement of Act.* This Act shall come into operation on the first day of January next after the passing thereof.

3. *Short title and construction.* This Act may be cited as the Diseases of Animals Act, 1896, and shall be construed as one with the Diseases of Animals Act, 1894, and that Act and this Act may be cited together as the Diseases of Animals Acts, 1894 and 1896.

CHAPTER 16.

[*Agricultural Rates Act, 1896.*]

An Act to amend the Law with respect to the Rating of Occupiers of Agricultural Land in England, and for other purposes connected therewith.

[20th July 1896.]

Be it enacted, &c.

1. *Exemption of agricultural land from half of rates to which this Act applies.* (1.) During the continuance of this Act, that is to say, the period of five years after the thirty-first day of March next after the passing of this Act the occupier of agricultural land in England shall be liable in the case of every rate to which this Act applies, to pay one half only of the rate in the pound payable in respect of buildings and other hereditaments.

(2.) This Act shall apply to every rate as defined by this Act, except a rate—

(a) which the occupier of agricultural land is liable, as compared with the occupier of buildings or other hereditaments, to be assessed to or to pay in the proportion of one half or less than one half, or

(b) which is assessed under any commission of sewers or in respect of any drainage, wall, embankment, or other work for the benefit of the land.

2. *Payment out of Local Taxation Account in respect of deficiency arising from exemption.* (1.) In respect of the deficiency which will arise from the provisions of this Act in the produce of rates made by the spending authorities in England, as herein-after defined, there shall during the continuance of this Act—

(a) be paid to the Local Taxation Account an annual sum (in this Act referred to as the annual grant) of such amount as is certified under the provisions herein-after contained; and

(b) be issued from the Local Taxation Account by half-yearly payments out of the annual grant to each such spending authority a share of that grant of such amount as is certified under the provisions herein-after contained.

(2.) The Commissioners of Inland Revenue, in such manner, by such payments, and under such regulations as the Treasury direct, shall pay to the Local Taxation Account, out of the proceeds of the estate duty derived in England from personal property, the annual sum required by this section to be paid to that account.

(3.) The first of those payments shall be made during the six months ending on the thirty-first day of March next after the passing of this Act, so as to make up a half-yearly payment to meet the issues to spending authorities on account of the six ensuing months.

3. *Contributions from more than one parish.*—(1.) Where any spending authority require in any half year or other period to raise from two or more parishes a sum by a rate to which this Act applies, they shall, in determining the net amount to be so raised, deduct the sum issuable to them in respect of the said rate on account of their share of the annual grant for the said half year or other period, and the net amount after that deduction shall, where it would otherwise be raised in proportion to the rateable value, be raised in proportion to the assessable value of those parishes.

(2.) For the purposes of this section the assessable value of a parish shall be the rateable value thereof reduced by an amount equal to one half of the rateable value of the agricultural land in the parish.

4. *Certifying of annual sums payable in respect of deficiency.*—(1.) The Local Government Board shall, as soon as may be after the passing of this Act, certify the amount—

(a) of the annual grant to be paid to the Local Taxation Account; and

(b) of the share of such grant to be paid annually to each spending authority, under this Act, and for that purpose shall determine in the prescribed manner the amount which for the purposes of this Act is to be taken as having been raised during the last year before the passing of this Act by any rate to which this Act applies for the expenditure of each spending authority.

(2.) Such proportion of the whole amount so taken to be raised in respect of any hereditaments or parishes as the Local Government Board estimate to be the proportion of the total rateable value of those hereditaments or parishes which represents the value of agricultural land, shall be taken for the purposes of this Act as the amount raised during the said year, by the said authority, by the said rate, in respect of agricultural land, and one half of that amount shall be taken as the deficiency which will arise from the provisions of this Act in the produce of the said rate.

(3.) A sum equal to the total amount of the deficiencies thus estimated for all the spending authorities in England shall be the amount of the annual grant, and a sum equal to the deficiency thus estimated in the case of each spending authority shall be the share of that spending authority in the annual grant, and the Local Government Board shall certify the same accordingly.

(4.) The Local Government Board, in acting under this section, shall obtain such information and make such inquiries, and in such manner as they think fit.

(5.) The Local Government Board may in case of error amend, or for the purpose of meeting any alteration in an area or authority to which a certificate relates may vary, a certificate under this section, and any such amendment or variation shall have effect from the date of the original certificate, or any later date fixed by the Board; but, save as aforesaid, a certificate shall be final and binding on all persons.

(6.) The Local Government Board may give provisional certificates, if they think necessary for the purpose of enabling the first payments to and out of the Local Taxation Account under this Act to be made, before they have sufficient information to enable them to give final certificates.

5. *Separate statement in valuation lists, &c., of value of agricultural land.* In every valuation list and in the basis or standard for any county rate, and in any valuation made by the council of a borough or any other council for the purpose of raising the borough or other rate—

(a) where separate hereditaments are specified therein, the value of agricultural land shall be stated separately from that of any building or other hereditament; and

(b) in every case the total rateable value of the agricultural land in each parish shall be stated separately from the total rateable value of the buildings or other hereditaments in such parish; and whenever a copy of the total of the rateable value of any parish is required to be sent to any person, such copy shall state both the above-mentioned totals; and

(c) where any hereditament consists partly of agricultural land and partly of buildings, the gross estimated rental of the buildings, when valued separately in pursuance of this Act, from the agricultural land shall, while the buildings are used only for the cultivation of the said land, be calculated not on structural cost, but on the rent at which they would be expected to let to a tenant from year to year, if they could only be so used; and the total gross estimated rental of the hereditament shall not be increased by the said separate valuation.

6. *Procedure for ascertaining deficiency and for separation of value of agricultural land from buildings and other hereditaments.* (1.) For the purposes of this Act returns shall be made to the Local Government Board in accordance with the prescribed regulations—

(a) by every spending authority in relation to the sums actually received by them or their predecessors during the year next before the passing of this Act from any rate to which this Act applies; and

(b) by every assessment committee or council whose duty it is to revise or make a valuation list, basis, standard, or other valuation for any parish, in relation to the gross estimated rental and rateable value of that parish, and the proportion thereof which represents agricultural land; and

(c) by any such authority, committee, or council in relation to any other prescribed information.

(2.) For the purpose of the returns, statements showing the gross estimated rental and rateable value of the agricultural land in a parish, and, in the case of any hereditament separately valued which consists in part of agricultural land and in part of buildings or other hereditaments, of each such part, shall be made by the overseers of every parish, and corrected by the assessment committee, and sent to the surveyor of taxes, and be subject to objection or appeal by the said surveyor and overseers before the assessment committee, and the justices in special sessions, and the court of quarter sessions, and subject to the right of any aggrieved ratepayer to be heard upon the said appeal, in such manner, and subject to such provisions, as may be prescribed. These provisions shall conform as nearly as circumstances will permit to the existing statutory law respecting valuation lists, as regards notices, rights to inspect and take extracts, the hearing of objections, and otherwise.

(3.) The Local Government Board may by order make regulations for the purpose of this section, and also generally for carrying into effect this Act, and those regulations shall be laid before both Houses of Parliament, and if neither House of Parliament within ten days passes a resolution adverse to the said order, they shall be binding in law until varied in the same manner, shall have effect as if they were enacted in this Act, and shall amongst other matters provide—

(a) for fixing, with the concurrence of the Treasury, for the purpose of the division in the statements of agricultural land from buildings or other hereditaments, the minimum gross estimated rental and rateable value of the buildings or other hereditaments;

(b) for giving effect to a notice of objection or appeal by the surveyor of taxes unless it is proved that such notice is unfair or incorrect;

(c) for the temporary adoption by the county council or any other council, of the division in the return between the total rateable value of agricultural land and that of buildings and other hereditaments;

(d) for the alteration of the valuation list in accordance with the statements as finally settled and sending copies of the returns to spending authorities and for applying and adapting any statutory form or procedure respecting the valuation list or poor rate; and

(e) for adapting this Act to cases where there is no valuation list, or where a sum is raised by rate from an area not a parish.

(4.) The regulations may also provide fines for the breach thereof not exceeding forty shillings, or in case of any continuing offence not exceeding forty shillings a day during the continuance of the offence, and any such fine may be recovered as a crown debt or to an amount not exceeding one hundred pounds before a court of summary jurisdiction.

7. As to spending authorities. (1.) Where the spending authority are a school board for a school district which is a parish, or the surveyors of highways, the amount which otherwise would be payable under this Act to the spending authority may be paid to the guardians of the poor law union in which the parish is situate, and, if so paid, shall be paid or credited by them to the spending authority.

(2.) Every sum paid under this Act out of the Local Taxation Account to any spending authority in respect of any rate, shall, for the purpose of its application, of account, and of audit, be deemed to have been raised by the said rate.

(3.) For the purposes of section ninety-seven of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75], any amount paid or credited under this Act out of the local taxation account to school board shall be deemed to have been actually paid by the rating authority, and the amount which would have been raised or been produced by a rate of three-pence in the pound on the rateable value shall be calculated in like manner as if this Act had not passed.

8. As to limit of rate or expenditure in case of any local authority. A limit imposed by any enactment on a rate shall be construed as being only a limit on the amount to be raised by that rate, and where by that limit or otherwise the sum to be raised or expended by a local authority is limited by any enactment by reference to a rate, the limit shall be varied so as to enable the local authority to raise or expend the same sum as they might have done if this Act had not passed, and in the case of a spending authority receiving any sum paid under this Act out of the local taxation account in respect of such rate that sum shall be deemed to be part of the sum raised thereby.

9. Definitions. In this Act, unless the context otherwise requires:—

The expression "rate" means a rate made during the continuance of this Act, the proceeds of which are applicable to public local purposes, and which is leviable on the basis of an assessment in respect of the yearly value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined:

The expression "rateable value" in the case of the county rate, or any other rate, levied according to any annual value not being rateable value as stated in the valuation list, means that annual value:

The expression "valuation list" means a valuation list under the Union Assessment Committee Acts, 1862 [25 & 26 Vict. c. 103] and 1864 [27 & 28 Vict. c. 39] or, in the metropolis, under the Valuation (Metropolis) Act, 1869 [32 & 33 Vict. c. 67]:

The expression "spending authority" means any of the local authorities in England mentioned in the schedule to this Act:

The expression "occupier" includes owner where the owner is rated in place of the occupier:

The expression "Local Taxation Account" has the same meaning as in the Local Government Act, 1888 [51 & 52 Vict. c. 41]:

The expression "prescribed" means prescribed by order of the Local Government Board:

The expression "agricultural land" means any land used as arable, meadow, or pasture ground only, cottage gardens exceeding one quarter of an acre, market gardens, nursery grounds, orchards, or allotments, but does not include land occupied together with a house as a park, gardens, other than as aforesaid, pleasure grounds, or any land kept or preserved mainly or exclusively for purposes of sport or recreation, or land used as a racecourse:

The expression "cottage" means a house occupied as a dwelling by a person of the labouring classes:

The expression "year" means the local financial year, that is to say, the twelve months beginning on the first day of April, or where the spending authority do not make up their accounts to that day on the nearest day thereto to which they do make up their accounts, or on any other prescribed day.

10. Short title. This Act may be cited as the Agricultural Rates Act, 1896.

SCHEDULE.

SPENDING AUTHORITIES.

County councils, councils of county boroughs, councils of boroughs and other urban districts and of rural districts, boards of guardians, the receiver of the metropolitan police district, school boards, highway boards, surveyors of highways.

CHAPTER 17.

[*Glasgow Parliamentary Divisions Act, 1896.*]

An Act to redescribe the Parliamentary Divisions of the City of Glasgow.

[20th July 1896.]

CHAPTER 18.

[*Fisheries (Norfolk and Suffolk) Act, 1896.*]

An Act to amend the Fisheries Acts relating to Norfolk and Suffolk.

[20th July 1896.]

CHAPTER 19.

[*Public Health Act, 1896.*]

An Act to make further Provision with respect to Epidemic, Endemic, and Infectious Diseases, and to repeal the Acts relating to Quarantine.

[7th August 1896.]

Be it enacted, &c.

1. Amendment of 38 & 39 Vict. c. 55, ss. 130, 134, as to regulations with respect to disease. (1.) Regulations of the Local Government Board made in pursuance of section one hundred and thirty or section one hundred and thirty-four of the Public Health Act, 1875, or in pursuance of either of those sections, as extended to London by the Public Health (London) Act, 1891, may provide for such regulations being enforced and executed by the officers of Customs and the officers and men employed in the Coastguard as well as by other authorities and officers, and without prejudice to the generality of the powers conferred by those sections may provide for—

(a) the signals to be hoisted by vessels having any case of epidemic, endemic, or infectious disease on board; and

(b) the questions to be answered by masters, pilots, and other persons on board any vessel as to cases of such disease on board during the voyage or on the arrival of the vessel; and

(c) the detention of vessels and of persons on board vessels; and

(d) the duties to be performed in cases of such disease by masters, pilots, and other persons on board vessels.

(2.) Provided that the regulations shall be subject to the consent—

(a) so far as they apply to the officers of Customs, of the Commissioners of Her Majesty's Customs; and

(b) so far as they apply to officers or men employed in the Coastguard, of the Admiralty; and

(c) so far as they apply to signals, of the Board of Trade.

(3.) If any person wilfully neglects or refuses to obey or carry out, or obstructs the execution of, any regulation made under section one hundred and thirty or section one hundred and thirty-four of the Public Health Act, 1875, or in pursuance of either of those sections as extended to London by the Public Health (London) Act, 1891 [54 & 55 Vict. c. 76], and as amended by this Act, he shall be liable to a penalty not exceeding one hundred pounds, and in the case of a continuing offence to a further penalty not exceeding fifty pounds for every day during which the offence continues; and any such penalty, if not recovered under the provisions of the Acts relating to public health, shall be recoverable by action on behalf of the Crown in the High Court.

2. Transfer of powers under 39 & 40 Vict. c. 36, s. 234. The powers exercisable by Her Majesty in Council or any two of the Lords of Her Majesty's Privy Council under section two hundred and thirty-four of the Customs Consolidation Act, 1876, shall be exercisable by the Local Government Board, and accordingly in that section the words "the Local Government Board" shall be substituted for the words "Her Majesty in Council or any two Lords of Her Majesty's Privy Council."

3. Application to Scotland.—(1.) This Act shall apply to Scotland with the following modifications:—

(a) References to the Local Government Board shall be construed as references to the Local Government Board for Scotland, and references to the High Court as references to the Court of Session;

(b) References to sections one hundred and thirty and one hundred and thirty-four of the Public Health Act, 1875, shall be construed as references to this section.

(2.) Whenever any part of the United Kingdom appears to be threatened with or is affected by an epidemic, endemic, or infectious disease, the Local Government Board for Scotland shall, without the issue of an order by the Secretary for Scotland, have the powers set forth in section thirty-two of the Public Health (Scotland) Act, 1867 [30 & 31 Vict. c. 101], and power to issue regulations under section thirty-three of that Act; and any such regulations shall, for the purposes of sections thirty-seven and thirty-eight of that Act, have the same effect as the Orders of Council referred to in those sections.

4. Application to Ireland. In the application of this Act to Ireland:—

(a) References to the Local Government Board shall be construed as references to the Local Government Board for Ireland;

(b) References to sections one hundred and thirty and one hundred and thirty-four of the Public Health Act, 1875, shall be construed as references to sections one hundred and forty-eight and one hundred and forty-nine of the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52].

5. Regulations to be uniform. In the making of the regulations referred to in this Act regard shall be had to the expediency of uniform regulations throughout the whole of the United Kingdom.

6. Repeal of enactments. The enactments relating to quarantine mentioned in the schedule to this Act, and the other enactments therein mentioned, shall be repealed, as to the whole of the British Islands, to the extent appearing in the third column of that schedule.

7. Commencement of Act. This Act shall come into operation on the expiration of three months from the passing thereof.

8. Short title. This Act may be cited as the Public Health Act, 1896.

SCHEDULE.
ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
6 Geo. 4, c. 78. 7 Will. 4 and 1 Vic. c. 36	The Quarantine Act, 1825. The Post Office (Offences) Act, 1837.	The whole Act. In section six the words "and every master of a vessel, or any other person on board any ship " liable to the performance of quarantine, who shall neglect or refuse to deliver to the person or " persons appointed to superintend the quarantine all letters in his possession, shall forfeit " twenty pounds."
3 & 4 Vict. c. 96	The Post Office (Duties) Act, 1840.	Section thirty-six from "and also except such letters" to "despatched in the usual manner by " the post."
17 & 18 Vict. c. 94	The Public Revenue and Con- solidated Fund Charge Act, 1854.	In Schedule B. the words "expenses of quarantine."
30 & 31 Vict. c. 101	The Public Health (Scotland) Act, 1867.	Sections thirty-one, thirty-four, and fifty-six.
38 & 39 Vict. c. 55	The Public Health Act, 1875.	Section one hundred and thirty from "Any person wilfully" to the end of the section. In Part III. of Schedule V. the words re-enacting 29 & 30 Vict. c. 90, ss. 51 and 52.
39 & 40 Vict. c. 36	The Customs Consolidation Act, 1876.	In section two hundred and thirty-four the words "whether or not it shall on or after such exami- " nation be found expedient to order such vessels under the restraint of quarantine," and the words "and any penalty incurred under the Act of the sixth year of the reign of King George " the Fourth chapter seventy-eight."
52 & 53 Vict. c. 64 54 & 55 Vict. c. 76	The Public Health Act, 1889. The Public Health (London) Act, 1891.	The whole Act. In section one hundred and forty-two the words "sections fifty-one and fifty-two of the Sanitary " Act, 1866, and" So much of the Act as extends or applies any provision of the Public Health Acts which is repealed by this Act, and in particular the second paragraph of section one hundred and thirty of the Public Health Act, 1875, and the whole of section two of the Public Health Act, 1889, as set out in the First Schedule to the Act.

CHAPTER 20.

[*Public Health (Ports) Act, 1896.*]An Act to amend the Public Health Act with
respect to the Powers of Port Sanitary
Authorities. [7th August 1896.]

Be it enacted, &c.

1. *Powers of port sanitary authority.* The Local
Government Board may by order assign to any
port sanitary authority any powers, rights, duties,
capacities, and obligations under the Infectious
Disease Prevention Act, 1890 [53 & 54 Vict. c. 34],
with the necessary modifications.2. *Short title and construction.* This Act may be
cited as the Public Health (Ports) Act, 1896, and
shall be construed as one with the Public Health
Act, 1875.

CHAPTER 21.

[*Liverpool Court of Passage Act, 1896.*]An Act to amend the Procedure of the Liver-
pool Court of Passage. [7th August 1896.]

Be it enacted, &c.

1. *Short title.* This Act may be cited as the
Liverpool Court of Passage Act, 1896.2. *Provisions as to appeals.* If and whenever, at
any time after the passing of this Act, the pres-
iding judge of the Court of Passage shall, with
the sanction of the authority for the time being
empowered to make rules for the Supreme Court,
adopt and apply to the Court of Passage any of
the Rules of the Supreme Court, an appeal from
any orders made and decisions and directions
given by the registrar of the Court under such
rules shall be to the presiding judge, and the said
authority may by rule provide, in such cases as
they may think fit, that, if the presiding judge at
the time when such appeal is ready for hearing
shall not then be holding a court in the city of
Liverpool, the appeal shall be to a judge of the
High Court at Chambers, sitting either in London
or Liverpool, and such appeal shall be subject to
the same rules, regulations, and provisions, as are
applicable to an appeal from a district registrar of
the Supreme Court.3. *Limitation of costs.* Where any action shall
be brought in the Court of Passage which could
have been brought in a county court, whereby a
less sum than ten pounds is recovered, the plaintiff
shall not recover from the defendant a greater
amount of costs than he would have been allowed
if the action had been brought in a county court.4. *Transfer of trial to county court.* Where in
any action of contract brought in the Court ofPassage the claim endorsed on the writ is for a less
sum than ten pounds, or where such claim, though
it originally exceeded ten pounds, is reduced by
payment, an admitted set-off, or otherwise, to a
less sum than ten pounds, it shall be lawful for
either party to the action, if the whole or part of
the demand of the plaintiff be contested, to apply
to the presiding judge or registrar of the Court at
Chambers to order such action to be tried in any
county court in which the action might have been
tried, and on the hearing of the application the
presiding judge or registrar shall order such action
to be tried accordingly, and thereupon the plaintiff
shall lodge the original writ and the order with the
registrar of the county court mentioned in the
order, who shall appoint a day for the trial of the
action, notice whereof shall be sent by post or
otherwise by the registrar of the county court to
both parties or their solicitors, and the action and
all proceedings therein shall be tried and taken in
such county court as if the action had been origin-
ally commenced therein.

CHAPTER 22.

[*Chairmen of District Councils Act, 1896.*]An Act to exempt certain Chairmen of District
Councils who have already taken the Oath before acting as
from again taking the Oath before acting as
Justices of the Peace. [7th August 1896.]

Be it enacted, &c.

1. *Chairman on re-election need not again take oath
as justice of peace.* A chairman of a district council
who has been re-elected to that office on the ex-
piration or other determination of a previous term of
office may continue to act as a justice of the
peace without again taking the oaths mentioned in
section twenty-two of the Local Government Act,
1894.2. *Short title.* This Act may be cited as the
Chairmen of District Councils Act, 1896.

CHAPTER 23.

[*Public Offices (Westminster) Site Act, 1896.*]An Act for the acquisition of a Site for Public
Offices in Westminster, and for purposes con-
nected therewith. [7th August 1896.]

CHAPTER 24.

[*Edinburgh General Register House Act, 1896.*]An Act for the Acquisition of Property for the
Extension of the General Register House at
Edinburgh. [7th August 1896.]

CHAPTER 25.

[*Friendly Societies Act, 1896.*]An Act to consolidate the Law relating to
Friendly and other Societies. [7th August 1896.]

[7th August 1896.]

CHAPTER 26.

[*Collecting Societies and Industrial Assurance
Companies Act, 1896.*]An Act to consolidate the Enactments relating
to Friendly Societies and Industrial Assurance
Companies which receive Contributions and
Premiums by means of Collectors.

[7th August 1896.]

CHAPTER 27.

[*London Cab Act, 1896.*]An Act to amend the Law relating to Cabs in
London. [7th August, 1896.]

Be it enacted, &c.

1. *Penalties for defrauding cabmen.* If any person
commits any of the following offences with respect
to a cab, namely:—(a) hires a cab, knowing or having reason to
believe that he cannot pay the lawful fare,
or with intent to avoid payment of the lawful
fare; or
(b) fraudulently endeavours to avoid payment of
a fare lawfully due from him; or
(c) having failed or refused to pay a fare lawfully
due from him, either refuses to give to the
driver an address at which he can be found,
or, with intent to deceive, gives a false
address,he shall be liable on summary conviction to pay,
in addition to the lawful fare, a fine not exceeding
forty shillings, or, in the discretion of the court,
to be imprisoned for a term not exceeding fourteen
days; and the whole or any part of any fine
imposed may be applied in compensation to the
driver.2. *Repeal of 16 & 17 Vict. c. 33.* Section
eighteen of the London Hackney Carriage Act,
1853, is hereby repealed from "and in case of any
dispute" to the end of the section.3. *Meaning of cab.* In this Act the expression
"cab" shall mean any hackney carriage within
the meaning of the Metropolitan Public Carriage
Act, 1869 [32 & 33 Vict. c. 115].4. *Short title.* This Act may be cited as the
London Cab Act, 1896.

CHAPTER 28.

[Finance Act, 1896.]

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, to amend the law relating to Customs and Inland Revenue, and to make provision for the Financial Arrangements of the year.

[7th August 1896.]

Be it enacted, &c.

PART I.

CUSTOMS.

Tea.

1. *Duty on Tea.* The duty of customs now payable on tea shall continue to be charged, levied, and paid, on and after the first day of August one thousand eight hundred and ninety-six until the first day of August one thousand eight hundred and ninety-seven on the importation thereof into Great Britain or Ireland (that is to say) :—

Tea, the pound . . . Fourpence.

Beer.

2. *Addition to customs duties on special kinds of beer.* (1.) In addition to the duties of customs payable on and after the first day of July one thousand eight hundred and ninety-six, on beer of the descriptions called mum, spruce, or black beer, imported into Great Britain or Ireland, there shall be charged, levied, and paid, on and after that day, the duties following (that is to say) :—

£ s. d.
For every thirty-six gallons of beer where the worts thereof are or were before fermentation of a specific gravity :—

Not exceeding one thousand two hundred and fifteen degrees 0 2 0
Exceeding one thousand two hundred and fifteen degrees . . . 0 2 4

(2.) This section shall extend to Berlin white beer, and other preparations, whether fermented or not fermented, of a character similar to mum, spruce, or black beer.

3. *Addition to customs duty on all other beer.* In addition to the duties of customs payable on and after the first day of July one thousand eight hundred and ninety-six, on every description of beer (other than is specified in the last preceding section) imported into Great Britain or Ireland, there shall be charged, levied, and paid on and after that day the duty following (that is to say) :—

£ s. d.

For every thirty-six gallons where the worts thereof were before fermentation of a specific gravity of one thousand and fifty-five degrees . . . 0 0 6

and there shall be allowed and paid on and after the same day in respect of all such beer a similar addition to the drawback granted on exportation, shipment for use as stores or removal to the Isle of Man, by section four of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12];

And so, as to both duty and drawback, in proportion for any difference in gravity.

Spirits.

4. *Amendment of rules as to size of casks of spirits.* The provisions of sections forty-two, one hundred and sixty-two, and two hundred of the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36], which relate to the size of casks for spirits, shall be construed as if "nine gallons" were substituted for "twenty gallons."

Tobacco.

5. *Amendment of rules as to size of packages of tobacco.* (1.) Sections forty-two and one hundred and sixty-three of the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36], with respect to tobacco, shall be construed as if the words "of the gross weight of not less than eighty pounds" were substituted for the words "containing not less than eighty pounds net weight of tobacco, cigars, or snuff," together with, in section forty-two, the words which follow to the end of the paragraph.

(2.) A package of tobacco shall contain tobacco only, and a package imported or carried contrary to this section shall be deemed to be prohibited goods within section forty-two of the Customs Consolidation Act, 1876, and to be goods imported or carried contrary to section one hundred and sixty-three of the same Act.

(3.) The expression "tobacco" in this section includes cigars, cigarillos, cigarettes, and snuff.

6. *Amendment of 26 & 27 Vict. c. 7, as to tobacco manufactured in bond, and drawback on tobacco.* (1.) Section one of the Manufactured Tobacco Act, 1863, shall be construed as if the word "cases" used therein included "packages," and the words "weighing not less than eighty pounds gross weight" were substituted for the words "containing not less than eighty pounds net weight of such tobacco," and the words "fourteen pounds" were substituted for "thirteen pounds" and "eighty-six pounds" were substituted for "eighty-seven pounds."

(2.) The limitations in respect of inorganic matter and sand governing the payment of drawback under the said section may be relaxed by the Commissioners of Customs where, in their opinion, having regard to the character of the tobacco tendered for drawback, there has been no artificial increase of inorganic matter or sand during the process of manufacture.

(3.) The drawback payable under section one of the same Act on the exportation or deposit of tobacco shall be also allowed in respect of snuff deposited by a licensed manufacturer in a bonded warehouse approved by the Commissioners of Customs for the purpose of being either converted into sheep-wash, hop-powder, or other similar compounds for exportation under bond, or of being mixed with such substance or combination of substances as the Commissioners of Customs may prescribe, so as to render the snuff no longer capable of being used as such, or as tobacco in any manner, and snuff so denatured shall be exempt from duty.

(4.) The prohibition contained in section forty-two of the Customs Consolidation Act, 1876, on the importation of snuff work, tobacco stalks, whether manufactured or not, and tobacco stalk flour, may be removed or modified by special permission of the Commissioners of Customs.

Cocoa.

7. *Duty on cocoa butter.* A duty of customs of one penny per pound shall be charged on that product of the cocoa bean which is generally known as cocoa butter.

PART II.

EXCISE.

Beer.

8. *Addition to excise duty on beer.* In addition to the duty excise payable on and after the first day of July one thousand eight hundred and ninety-six in respect of beer brewed in the United Kingdom, there shall be charged, levied, and paid on and after that day—

For every thirty-six gallons of worts of a specific gravity of one thousand and fifty-five degrees, the duty of sixpence, and so in proportion for any difference in quantity or gravity.

9. *Addition to excise drawback on beer.* In addition to the drawback of excise otherwise payable in respect of beer exported from the United Kingdom as merchandise or shipped for use as ship's stores, there shall be allowed and paid in respect of beer brewed in the United Kingdom after the thirtieth day of June one thousand eight hundred and ninety-six—

For every thirty-six gallons of beer of an original gravity of one thousand and fifty-five degrees, the drawback of sixpence, and so in proportion for any difference in quantity or gravity.

10. *Provision as to rice and prepared maize or corn used in brewing.* For the purpose of the charge of duty upon beer brewed in the United Kingdom, rice and flaked maize and any other description of corn which, in the opinion of the Commissioners of Inland Revenue, is prepared in a manner similar to flaked maize, shall not be deemed to be malt or corn, but shall be considered to be

material capable of being used in brewing within the meaning of the definition of "sugar" in section two of the Inland Revenue Act, 1890 [43 & 44 Vict. c. 20].

11. *Prohibition against possession of sugar and other substances by dealers in and retailers of beer.* (1.) A dealer in or retailer of beer shall not receive or have in his custody or possession any sugar, saccharine substance, extract, or syrup (except for domestic use, the proof whereof shall lie on him), or any preparation for increasing the gravity of beer.

(2.) If a dealer in or retailer of beer receives or has in his custody or possession any article in contravention of this section, the article shall be forfeited, and he shall incur a fine of twenty pounds.

(3.) This section shall not apply to sugar and other preparations deposited in conformity with section seven of the Customs and Inland Revenue Act, 1885 [48 & 49 Vict. c. 51], in the entered sugar store of a brewer of beer for sale, nor to sugar or syrup kept for sale in the ordinary course of trade of a grocer, where the brewer or grocer carries on upon the same premises the trade or business of a dealer in or retailer of beer.

PART III.

STAMPS.

12. *Extension of 54 & 55 Vict. c. 39, s. 113, to certain other corporations and companies.* Section one hundred and thirteen of the Stamp Act, 1891, which requires delivery of, and charges stamp duty on, a statement of the nominal capital of any corporation or company, where such company or corporation is constituted, or an increase of its capital is authorized, by letters patent or by any Act, shall extend so as to require delivery of, and charge the like stamp duty on, a statement of any nominal share capital of any corporation or company, or of any increase of such capital, where such capital or increase is authorized by an Order in Council, or a certificate of a Government Department, or in any other manner.

13. *Extension of 54 & 55 Vict. c. 39, s. 116, as to composition on policies.* The provisions of section one hundred and sixteen of the Stamp Act, 1891 (which relates to a composition for stamp duty on policies of insurance against accident), shall apply as if the expression "policy of insurance against accident" in that section included a policy of insurance for any payment agreed to be made during the sickness of any person, or during his incapacity from personal injury.

PART IV.

DEATH DUTIES.

Estate Duty.

14. *Exception to passing of property on enlargement of interest of settlor.* Where property is settled by a person on himself for life, and after his death on any other persons with an ultimate reversion of an absolute interest or absolute power of disposition to the settlor, the property shall not be deemed for the purpose of the principal Act to pass to the settlor on the death of any such other person after the commencement of this Part of this Act, by reason only that the settlor, being then in possession of the property as tenant for life, becomes, in consequence of such death, entitled to the immediate reversion, or acquires an absolute power to dispose of the whole property.

15. *Reverter of property to disposer.* (1.) Where by a disposition of any property an interest is conferred on any person other than the disposer for the life of such person or determinable on his death, and such person enters into possession of the interest and thenceforward retains possession thereof to the entire exclusion of the disposer or of any benefit to him by contract or otherwise, and the only benefit which the disposer retains in the said property is subject to such life or determinable interest, and no other interest is created by the said disposition, then, on the death of such person after the commencement of this Part of this Act, the property shall not be deemed for the purpose of the principal Act to pass by reason only of its reverter to the disposer in his lifetime.

(2.) Where by a disposition of any property any

such interest as above in this section mentioned is conferred on two or more persons, either severally or jointly, or in succession, this section shall apply in like manner as where the interest is conferred on one person.

(3.) Provided that the foregoing sub-sections shall not apply where such person or persons taking the said life or determinable interest had at any time prior to the disposition been himself or themselves competent to dispose of the said property.

(4.) Where the deceased person was entitled by law to the rents and profits of real property (as defined by section one of the Succession Duty Act, 1853 [16 & 17 Vict. c. 51]) of his wife, and has died in her lifetime, such property shall not be deemed for the purpose of the principal Act to pass on his death by reason of her then becoming entitled to the property in virtue of her former interest.

16. Estate duty on annuities. The estate duty due in respect of any annuity or other definite annual sum, whether terminable or perpetual, referred to in section two (1) (d) of the principal Act, may, at the option of the person delivering the account, be paid by four equal yearly instalments, the first of which shall be due at the end of twelve months from the date of the death, and after the end of those twelve months interest on the unpaid portion of the duty shall be added to each instalment and paid accordingly, but the duty for the time being unpaid, with interest to the date of payment, may be paid at any time.

17. Estate duty on fractions of one hundred pounds. Section seventeen of the principal Act shall have effect as if there were added at the end thereof the following proviso in substitution for the existing proviso as to fractional parts of ten pounds:—

Provided that where the principal value of an estate comprises a fraction of one hundred pounds in excess of one hundred pounds, or of any multiple of one hundred pounds, such fraction shall be excluded from the value of the estate for the purpose of determining both the rate and the amount of duty, except that where the principal value of the estate exceeds one hundred pounds and does not exceed two hundred pounds the duty shall be one pound.

18. Interest upon estate duty and other death duties. (1.) Simple interest at the rate of three per cent. per annum without deduction for income tax shall be payable upon all estate duty from the date of the death of the deceased, or, where the duty is payable by instalments, or becomes due at any date later than six months after the death, from the date at which the first instalment or the duty becomes due, and shall be recoverable in the same manner as if it were part of the duty.

(2.) The foregoing provision shall apply to the interest on all death duties as defined by section thirteen of the principal Act in like manner as if it were herein re-enacted and made applicable to those duties.

(3.) The Commissioners of Inland Revenue may remit the interest on any of such death duties where the amount appears to them to be so small as not to repay the expense and trouble of calculation and account.

19. Incidence of settlements estate duty. (1.) The settlement estate duty leviable in respect of a legacy or other personal property settled by the will of the deceased shall (unless the will contains an express provision to the contrary) be payable out of the settled legacy or property in exoneration of the rest of the deceased's estate.

(2.) The settlement estate duty leviable in respect of any such legacy or property shall be collected upon an account setting forth the particulars of the legacy or property, and delivered to the Commissioners by the executor within six months after the death, or within such further time as the Commissioners may allow.

20. Objects of national, scientific, or historic interest. (1.) Where any property passing on the death of a deceased person consists of such pictures, prints, books, manuscripts, works of art, scientific collections, or other things not yielding income as appear to the Treasury to be of national, scientific, or historic interest, and is settled so as to be enjoyed in kind in succession by different persons, such property shall not, on the death of such deceased person, be aggregated with other

property, but shall form an estate by itself, and, while enjoyed in kind by a person not competent to dispose of the same, be exempt from estate duty, but if it is sold or is in the possession of some person who is then competent to dispose of the same, shall become liable to estate duty.

(2.) The person selling the same, or for whose benefit the same is sold, and also the person being in possession and competent to dispose of the same, shall be accountable for the duty, and shall deliver an account, in accordance with section eight of the principal Act, in the case of a sale within one month after the sale, and in the case of a person coming into possession, or if in possession becoming competent to dispose, within six months after he so comes into possession, or becomes competent to dispose.

21. Allowance of succession duty, &c., paid out of capital before commencement of 57 & 58 Vict. c. 30. Where on the death of a deceased person estate duty becomes payable by a person in respect of any property passing under a settlement made by a will or disposition which took effect before the commencement of the principal Act, and before that commencement any duty mentioned in paragraphs three to five of the First Schedule to the principal Act has been paid or is payable under the same will or disposition on the capital value of the property, the Commissioners of Inland Revenue shall allow the duty so paid or payable as a deduction from the estate duty to the extent to which it has been paid or is payable in respect of the property on which estate duty is payable.

22. Appeal from county court under 57 & 58 Vict. c. 30, s. 10. There shall be added to sub-section five of section ten of the principal Act the following proviso: Provided that in every such case any party shall have a right of appeal to Her Majesty's Court of Appeal.

23. Amendment of 57 & 58 Vict. c. 30, as to certian heirs of entail in Scotland. The Finance Act, 1894, shall be construed as if there were added in section twenty-three thereof, after sub-section fifteen, the following enactment:

Provided that for the purposes of section eighteen of this Act such institute or heir of entail shall not be deemed to be a person competent to dispose of such estate, unless he is entitled to disentail it without obtaining the consent of any subsequent heir of entail, or having the consent of any subsequent heir valued and dispensed with.

24. Commencement and construction of Part of Act.

(1.) Unless the context otherwise requires—
(a) this Part of this Act shall come into operation on the first day of July one thousand eight hundred and ninety-six, which day is in this Part of this Act referred to as the commencement of this Part of this Act; and
(b) the expression "deceased person" means a person dying after the commencement of this Part of this Act;

(2.) Part I. of the Finance Act, 1894, is in this Act referred to as "the principal Act."

PART V.

INCOME TAX.

25. Rate of income tax for 1896-7. Income tax for the year beginning on the sixth day of April one thousand eight hundred and ninety-six shall be charged at the rate of eightpence.

26. Application of Income Tax Acts. (1.) Where this or any other Act enacts that income tax shall be charged in any year at any rate, there shall be charged, levied, and paid during that year in respect of all property, profits, and gains respectively described or comprised in the several Schedules A., B., C., D., and E. in the Income Tax Act, 1853 [16 & 17 Vict. c. 34], the tax at that rate:

for every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules A., C., D., or E. in the said Act; and for every twenty shillings of one-third of the annual value of lands, tenements, hereditaments, and hereditaries chargeable under Schedule B. in the said Act in respect of the occupation thereof.

(2.) The deduction of one-eighth out of the duties chargeable under Schedule B. shall cease.

(3.) All such enactments relating to income tax as were in force on the fifth day of April one thousand eight hundred and ninety-six shall have full force and effect with respect to the duties of income tax hereby granted, so far as those enactments are consistent with this Act.

27. Annual value for the purpose of exemption or abatement from income tax under Schedule B. For the purposes of any claim to exemption, relief, or abatement from income tax, the income arising from the occupation of lands, tenements, hereditaments, and hereditaries chargeable under Schedule B. in the Income Tax Act, 1853, shall be taken to be one-third of the annual value thereof under that schedule, except that if any person occupying either as owner or otherwise, any lands for the purpose of husbandry only shows at the end of any year, to the satisfaction of the General Commissioners of Income Tax, that his profits and gains arising from the occupation of such lands during the year fell short of one-third of the said annual value thereof, the income arising from the occupation shall be taken at the actual amount of such profits and gains, and if the whole of the income tax has been paid, the amount overpaid shall be certified and repaid in manner provided by section one hundred and thirty-three of the Income Tax Act, 1842 [5 & 6 Vict. c. 35].

28. Appeal by owner of land from assessment to income tax under Schedule A. Any owner or other person in receipt of the rent of any lands, although not the occupier thereof, who is aggrieved by the amount of the annual value of the lands, as ascertained for the purpose of the assessment made thereon under Schedule A. in the Income Tax Act, 1853, shall have the same right of appeal to the General Commissioners of Income Tax as if the assessment were made upon him, and section fifty-seven of the Taxes Management Act, 1880 [43 & 44 Vict. c. 19], shall apply accordingly.

29. Assessment of income tax under Schedules A. and B., and of the inhabited house duty for the year 1896-7. The annual value of any property which has been adopted for the purpose either of income tax under Schedules A. and B. in the Income Tax Act, 1853, or of inhabited house duty, during the year ending on the fifth day of April one thousand eight hundred and ninety-six, shall be taken as the annual value of such property for the same purpose during the next subsequent year; provided that this section:—

(a) so far as respects the duty on inhabited houses in Scotland, shall be construed with the substitution of the twenty-fourth day of May for the fifth day of April; and
(b) shall not apply to the metropolis as defined by the Valuation (Metropolis) Act, 1869 [32 & 33 Vict. c. 67].

30. Inspectors or surveyors of taxes to be assessors for income tax under Schedules A. and B. and for inhabited house duty in certain cases. Where this or any other Act enacts that the annual value of any property which has been adopted for the purpose of income tax under Schedules A. and B. in the Income Tax Act, 1853, or of inhabited house duty, during any year shall be taken as the annual value of such property for the same purpose during any subsequent year, the inspectors and surveyors of taxes shall be the assessors for such subsequent year of the income tax under the said Schedules A. and B., and of the inhabited house duty.

PART VI.

LAND TAX.

31. Remission of land tax in excess of one shilling in the pound. (1.) The amount assessed in any year in any land tax parish on account of the unredeemed quota of land tax charged against that parish shall not after the passing of this Act exceed the amount which would be produced by a rate of one shilling in the pound on the annual value of the land in the parish subject to land tax, and any excess above the said amount shall be remitted for that year.

(2.) Sections one hundred and eighty and one hundred and eighty-one of the Land Tax Redemption Act, 1802 [42 Geo. 3, c. 116], shall be construed as if the rate of one shilling in the pound

on the annual value of the land were substituted for the rate of four shillings therein mentioned.

32. *Redemption of land tax* [1.] The owner of any land may in any year redeem the land tax charged on such land by payment to the Commissioners of Inland Revenue of a capital sum, equal to thirty times the sum assessed on such land by the assessment last made and signed, after deducting any increase of the assessment made by virtue of this section, and such sum may be paid either in a single payment, or by such annual instalments as may be agreed upon with the Commissioners, and interest at the rate of three per cent. per annum on so much of the capital sum as remains unpaid shall be payable with each instalment, and all the instalments remaining unpaid may be paid at any time.

(2.) If an assessment on account of the unredeemed quota of land tax charged against any land tax parish would but for this section be made at a rate not less than one penny in the pound on the annual value of the land in the parish subject to land tax such assessment shall be made at a rate of not less than one penny in the pound, except where such an assessment would produce a net sum exceeding the amount required for the redemption of the whole of the unredeemed quota, in which case the assessment shall be at such rate as will produce a net sum equal to that amount.

(3.) Any surplus land tax in any land tax parish received by reason of an increased assessment under the foregoing enactment, or otherwise received under the Land Tax Acts, shall be paid and applied in manner provided with respect to surplus land tax by section one hundred and fourteen of the Taxes Management Act, 1880 [43 & 44 Vict. c. 19], except that such surplus, so far as it is not applied in payment to the assessors, shall be deemed to have redeemed so much of the unredeemed quota of the land tax in the parish as is equal to one-thirtieth part of such surplus.

33. *Amendment of Land Tax Acts as to facilities for raising redemption money.* Subject to the provisions of this Act, the Land Tax Acts shall apply to any redemption of land tax under this Part of this Act; provided as follows:—

(a) Where an owner redeems under this Act land tax upon any land by payment of a capital sum, the Commissioners of Inland Revenue, in accordance with the prescribed regulations, shall, on his application at the date of the redemption, grant to him a certificate charging the land with the amount of that sum, and with interest equal to the amount of the land tax redeemed, and he shall be entitled to the charge as if it were a mortgage secured to him by a mortgage deed; and such charge, when the certificate is registered in pursuance of the Land Charges Registration and Searches Act, 1888 [51 & 52 Vict. c. 51], shall have priority over all other charges and incumbrances; and any money authorised to be invested in real security may be invested on the security of any such charge.

(b) For the redemption under this Act by a capital sum of land tax charged upon land—
(i.) if the land is held upon any trust, or for any purpose, or for the benefit of any university or college, money may be applied which is held on the same trust, or for the same purpose, or for the benefit of the same university or college; and
(ii.) if the land is held for any purpose by a corporation or trustees, money may be applied which is applicable for that

purpose, and any of such land may be sold to raise money for the redemption.

34. *Forms.* The Commissioners of Inland Revenue may prescribe regulations and forms for the purposes of this Part of this Act and may prescribe any forms required for the purpose of the Land Tax Acts, and any forms so prescribed, or forms to the like effect varied as circumstances require, shall when used be sufficient in law.

35. *Definitions and construction.* In this Part of this Act, unless the context otherwise requires—

The expression "land subject to land tax" includes all the property specified in section four of the Land Tax Act, 1797 [38 Geo. 3, c. 5], which is not exonerated from land tax:

The expression "unredeemed quota of the land tax" means the part of the land tax charged against a land tax parish under the Land Tax Acts, which for the time being remains payable:

The expression "land tax parish" means any parish, township, tithing, precinct, or place, for which a separate assessment of land tax is for the time being made:

The expression "annual value" means annual value by determination of the General Commissioners of Income Tax for the purpose of Schedule A. in the Income Tax Act, 1842 [5 & 6 Vict. c. 35], or in the case of any land subject to land tax, the annual value of which is not so determined, means annual value as determined by those Commissioners for the purposes of this Part of this Act on the basis as if it were determined for the purposes of Schedule A.

The expression "owner" in relation to any land means any person entitled under the Land Tax Acts to redeem the land tax assessed on that land:

The expression "Land Tax Acts" means the Land Tax Act, 1797 [38 Geo. 3, c. 5], and the Land Tax Redemption Act, 1802 [42 Geo. 3, c. 116], and the enactments amending those Acts:

Other expressions have the same meaning as in the Land Tax Acts.

36. *Application of part of Act to Scotland.* In the application of this part of this Act to Scotland, the following provisions shall have effect—

- (1.) The expression "county" shall be substituted for the expression "land tax parish";
- (2.) The expression "bond and disposition in security in his favour" shall be substituted for the expression "mortgage secured to him by mortgage deed";
- (3.) The expression "heritable security" shall be substituted for the expression "real security";
- (4.) The certificate of charge granted under this part of this Act by the Commissioners of Inland Revenue may be recorded in the register of sasines, and when so recorded shall have priority over all other charges and incumbrances.

PART VII.

MISCELLANEOUS.

37. *Increase of annuity and reduction of rate of interest for the Indian Army Pension Deficiency Fund.* Whereas by the Indian Army Pension Deficiency Act, 1885 [48 & 49 Vict. c. 67], the annual charge in respect of certain Indian army pensions therein mentioned was made payable out of a fund thereby placed in the hands of the National Debt Com-

missioners, and called the Indian Army Pension Deficiency Fund, and in order to make the fund solvent, an annuity of one hundred and fifty thousand pounds, payable to the Commissioners, was by section four of the said Act charged on the Consolidated Fund, until all charges on the Indian Army Pension Deficiency Fund ceased:

And whereas by section five of the same Act the National Debt Commissioners were authorised to lend money, to be repaid out of the said Deficiency Fund by an annuity, with interest at three and a quarter per cent. per annum;

And whereas the charge on the said Deficiency Fund has proved to be larger than was originally estimated, and consequently the Fund is insufficient to meet those charges thereon, and it is therefore expedient to increase the amount of the annuity, and to authorise the reduction of the rate of interest on any money to be lent as above mentioned: Be it therefore enacted that—

(1.) The annuity charged on the Consolidated Fund by section four of the Indian Army Pension Deficiency Act, 1885 [48 & 49 Vict. c. 67], shall, as from the first day of April one thousand eight hundred and ninety-six, be two hundred and fifteen thousand pounds, and the said Act shall have effect as if "two hundred and fifteen thousand pounds, beginning on the first day of April one thousand eight hundred and ninety-six," were substituted in the said section for "one hundred and fifty thousand pounds, beginning on first day of April one thousand eight hundred and eighty-five."

(2.) The rate of interest for any money lent after the first day of April one thousand eight hundred and ninety-six under section five of the said Act shall be such as the National Debt Commissioners, with the approval of the Treasury, may determine.

38. *As to authorized officer conducting legal proceedings in county court.* Section twenty-seven of the Inland Revenue Regulation Act, 1890 [53 & 54 Vict. c. 21], shall be amended by the addition thereto of the following enactment:—

Any person who has been admitted as a solicitor, and is employed or authorized by the Commissioners or the solicitor of Inland Revenue, may appear in, conduct, defend, and address the court in any legal proceeding in a county court in England or Ireland where the proceeding relates to inland revenue or to any matter under the care or management of the Commissioners of Inland Revenue.

39. *Construction of Act.* Part One of this Act, so far as it amends the Customs Consolidation Act, 1875 [39 & 40 Vict. c. 36], shall be construed together with that Act.

Part Two of this Act shall be construed together with the Acts relating to the duties on beer.

Part Three of this Act shall be construed together with the Act, 1891 [54 & 55 Vict. c. 39].

Part Four of this Act shall be construed together with Part One of the Finance Act, 1894 [57 & 58 Vict. c. 30].

Part Five of this Act shall be construed together with the Income Tax Act, 1842 [5 & 6 Vict. c. 35], and the Income Tax Act, 1853 [16 & 17 Vict. c. 34].

Part Six of this Act shall be construed together with the Land Tax Acts as defined in that part.

40. *Repeal of Acts.* The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

41. *Short title.* This Act may be cited as the Finance Act, 1896.

SCHEDULE.
ACTS REPEALED.
PART I.
LAND TAX.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
42 Geo. 3, c. 116	The Land Tax Redemption Act, 1802.	Sections twenty to twenty-five, twenty-seven to twenty-nine, thirty-eight to "marked E, and in cases," from "in the form" to "marked F," from "of the cashier" to "Bank of England or" and the words "transferring such stock or" "transferred or" and "transfer or" wherever they occur in that section; forty from "and in every such case" to "entitled unto the same," forty-one, forty-two, forty-three, forty-five, forty-nine, fifty-one to sixty-six, sixty-nine, seventy, eighty-five to one hundred and twelve, one hundred and seventeen, one hundred and nineteen to one hundred and twenty-one, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-eight, one hundred for forty, in one hundred and forty-one the words "by the transfer of stock in the manner hereinbefore mentioned," one hundred and forty-eight, in one hundred and forty-nine the words "by the transfer of stock in the manner hereinbefore mentioned," one hundred and fifty-seven, one hundred and fifty-eight, one hundred and sixty-six, from "and if such executor" to "been then living" and the words "the like;" one hundred and seventy-one from "have transferred" to "shall hereafter," the words "that such Bank Annuities ought not to have been so transferred or," "to re-transfer the said Bank Annuities or," and "transferred or;" one hundred and seventy-two, one hundred and seventy-six; Schedules E, F, K, and L.
43 Geo. 3, c. 51	The Land Tax Redemption Act, 1803.	The whole Act.
45 Geo. 3, c. 77	The Land Tax Redemption Act, 1805.	Section two.
53 Geo. 3, c. 123	The Land Tax Redemption Act, 1813.	Sections three, four, thirteen to "distinctly under such accounts," sixteen, twenty, twenty-four, twenty-five, forty, and in Schedule A. Form [A, No. 1].
54 Geo. 3, c. 173	The Land Tax Redemption Act, 1814.	Sections eight, nine, and fourteen to sixteen.
57 Geo. 3, c. 100	The Land Tax Redemption Act, 1817.	Sections twelve to nineteen; in section twenty-three the words "for the re-transfer of any stock or," and "transferred or," and from "and the Governor and Company" to the end of the section.
7 Will. 4 and 1 Vict. c. 17	An Act for carrying to the Consolidated Fund certain monies paid into the Exchequer, and usually applied as a part of the annual aids and supplies; and for cancelling stock transferred to the Commissioners for Reduction of the National Debt on account of the Redemption of Land Tax.	The whole Act so far as unrepealed.
16 & 17 Vict. c. 74	An Act to reduce the terms on which the Land Tax in Great Britain may be redeemed or purchased.	The whole Act.
52 & 53 Vict. c. 42	The Revenue Act, 1880.	Section nine.

PART II.
INCOME TAX.

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Vict. c. 35	The Income Tax Act, 1842.	Section sixty-three, in No. VII. from "in all cases where lands are subject to a rent-charge in lieu of tithes" down to "as aforesaid: provided also that;" section one hundred and sixty-seven from "and the income arising from the occupation" down to "directions and," and the words "by this Act as aforesaid;" and from "and the income arising from any lease" to the end of the section.
14 & 15 Vict. c. 12	An Act to continue the duties on profits arising from property, professions, trades and offices, and to amend the Act imposing the same.	Section three.
16 & 17 Vict. c. 34	The Income Tax Act, 1853.	Section twenty-eight, from "and in Ireland the income" down to "Schedule B. of this Act;" and section forty-six.
43 & 44 Vict. c. 20	The Inland Revenue Act, 1880.	Section fifty-two.

PART III.
DEATH DUTIES.

Session and Chapter.	Short Title.	Extent of Repeal.
31 & 32 Vict. c. 124	An Act to amend the laws relating to Inland Revenue.	In section nine, from "at the rate of four pounds," to "as part thereof."
57 & 58 Vict. c. 30	The Finance Act, 1894.	Section six, in sub-section six, the words "at the rate of three per cent. per annum," and the words "and shall form part of the estate duty," and in sub-section eight, the words "less income tax."

Section eight, sub-section ten.
Section seventeen, from "provided that," to the end of the section.

CHAPTER 29.

[*Bishopric of Bristol Amendment Act, 1896.*]
An Act to amend the Bishopric of Bristol Act, 1884.
[7th August 1896.]

CHAPTER 30.

[*Conciliation Act, 1896.*]

An Act to make better Provision for the Prevention and Settlement of Trade Disputes.
[7th August 1896.]

Be it enacted, &c.:

1. *Registration and powers of conciliation boards.* (1.) Any board established either before or after the passing of this Act, which is constituted for the purpose of settling disputes between employers and workmen by conciliation or arbitration, or any association or body authorised by an agreement in writing made between employers and workmen to deal with such disputes (in this Act referred to as a conciliation board), may apply to the Board of Trade for registration under this Act.

(2.) The application must be accompanied by copies of the constitution, by-laws, and regulations of the conciliation board, with such other information as the Board of Trade may reasonably require.

(3.) The Board of Trade shall keep a register of conciliation boards, and enter therein with respect to each registered board its name and principal office, and such other particulars as the Board of Trade may think expedient, and any registered conciliation board shall be entitled to have its name removed from the register on sending to the Board of Trade a written application to that effect.

(4.) Every registered conciliation board shall furnish such returns, reports of its proceedings, and other documents as the Board of Trade may reasonably require.

(5.) The Board of Trade may, on being satisfied that a registered conciliation board has ceased to exist or to act, remove its name from the register.

(6.) Subject to any agreement to the contrary, proceedings for conciliation before a registered conciliation board shall be conducted in accordance with the regulations of the board in that behalf.

2. *Powers of Board of Trade as to trade disputes.* (1.) Where a difference exists or is apprehended between an employer, or any class of employers, and workmen, or between different classes of workmen, the Board of Trade may, if they think fit, exercise all or any of the following powers, namely,—

(a) inquire into the causes and circumstances of the difference;
(b) take such steps as to the Board may seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon or nominated by the Board of Trade or by some other person or body, with a view to the amicable settlement of the difference;
(c) on the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation;
(d) on the application of both parties to the difference, appoint an arbitrator.

(2.) If any person is so appointed to act as conciliator, he shall inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavour to bring about a settlement of the difference, and shall report his proceedings to the Board of Trade.

(3.) If a settlement of the difference is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the Board of Trade.

3. *Exclusion of 52 & 53 Vict. c. 49.* The Arbitration Act, 1889, shall not apply to the settlement by arbitration of any difference or dispute to which this Act applies, but any such

arbitration proceedings shall be conducted in accordance with such of the provisions of the said Act, or such of the regulations of any conciliation board, or under such other rules or regulations, as may be mutually agreed upon by the parties to the difference or dispute.

4. *Power of Board of Trade to aid in establishing conciliation boards.* If it appears to the Board of Trade that in any district or trade adequate means do not exist for having disputes submitted to a conciliation board for the district or trade, they may appoint any person or persons to inquire into the conditions of the district or of trade, and to confer with employers and employed, and, if the Board of Trade think fit, with any local authority or body, as to the expediency of establishing a conciliation board for the district or trade.

5. *Report to Parliament.* The Board of Trade shall from time to time present to Parliament a report of their proceedings under this Act.

6. *Expenses.* The expenses incurred by the Board of Trade in the execution of this Act shall be defrayed out of moneys provided by Parliament.

7. *Repeal.* The Masters and Workmen Arbitration Act, 1824 (5 Geo. 4. c. 96), and the Councils of Conciliation Act, 1867 (30 & 31 Vict. c. 105), and the Arbitration (Masters and Workmen) Act, 1872 (35 & 36 Vict. c. 46), are hereby repealed.

8. *Short Title.* This Act may be cited as the Conciliation Act, 1896.

CHAPTER 31.

[*Housing of the Working Classes Act, 1890,
Amendment (Scotland) Act, 1896.*]

An Act to amend the Housing of the Working Classes Act, 1890.
[7th August, 1896.]

CHAPTER 32.

[*Orkney and Zetland Small Piers and Harbours Act, 1896.*]

An Act to facilitate the Construction of Small Piers and Harbours in the Counties of Orkney and Zetland.
[14th August, 1896.]

CHAPTER 33.

[*Royal Naval Reserve Volunteer Act, 1896.*]

An Act to amend the Laws with respect to the Royal Naval Volunteers.
[14th August, 1896.]

Be it enacted, &c.:

1. *Amendment of law as to raising and payment of royal naval volunteers.* (1.) The power under the Royal Naval Reserve Volunteer Act, 1859 [22 & 23 Vict. c. 40], to raise and pay volunteers may, subject to regulations of the Admiralty, be exercised outside the British Islands: Provided that a volunteer shall not be raised or paid outside the British Islands, unless he is a British subject serving on a vessel registered in the British Islands.

(2.) In section one of the said Act the words "in the United Kingdom and the Islands of Man, Guernsey, Jersey, Alderney, and Sark, or any of them," and in section nine of the same Act the words "in the United Kingdom or in the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and nowhere else, and" are hereby repealed.

2. *Explanation of law as to services of pensioners.* A person holding a deferred pension certificate or ticket shall be deemed to be a person in receipt of a pension within the meaning of section eleven of the Royal Naval Reserve Volunteer Act, 1859.

3. *Short title.* This Act may be cited as the Royal Naval Reserve Volunteer Act, 1896.

CHAPTER 34.

[*Railways (Ireland) Act, 1896.*]

An Act to facilitate the construction of Railways and the Establishment of other means of Communication in Ireland, and for other purposes incidental thereto.
[14th August, 1896.]

CHAPTER 35.

[*Judicial Trustees Act, 1896.*]

An Act to provide for the Appointment of Judicial Trustees and otherwise to amend the Law respecting the Administration of Trusts and the Liability of Trustees.
[14th August, 1896.]

Be it enacted, &c.:

1. *Power of court on application to appoint judicial trustees.* (1.) Where application is made to the court by or on behalf of the person creating or intending to create a trust, or by or on behalf of a trustee or beneficiary, the court may, in its discretion, appoint a person (in this Act called a judicial trustee) to be a trustee of that trust, either jointly with any other person or as sole trustee, and, if sufficient cause is shown, in place of all or any existing trustees.

(2.) The administration of the property of a deceased person, whether a testator or intestate, shall be trust, and the executor or administrator a trustee, within the meaning of this Act.

(3.) Any fit and proper person nominated for the purpose in the application may be appointed a judicial trustee, and, in the absence of such nomination, or if the court is not satisfied of the fitness of a person so nominated, an official of the court may be appointed, and in any case a judicial trustee shall be subject to the control and supervision of the court as an officer thereof.

(4.) The court may, either on request or without request, give to a judicial trustee any general or special directions in regard to the trust or the administration thereof.

(5.) There may be paid to a judicial trustee out of the trust property such remuneration not exceeding the prescribed limits, as the court may assign in each case, subject to any rules under this Act respecting the application of such remuneration where the judicial trustee is an official of the court, and the remuneration so assigned to any judicial trustee shall, save as the court may for special reasons otherwise order, cover all his work and personal outlay.

(6.) Once in every year the accounts of every trust of which a judicial trustee has been appointed shall be audited, and a report thereon made to the court by the prescribed persons, and, in any case where the court shall so direct, an inquiry into the administration by a judicial trustee of any trust, or into any dealing or transaction of a judicial trustee, shall be made in the prescribed manner.

2. *Court to exercise jurisdiction.* The jurisdiction of the court under this Act may be exercised by the High Court, and as respects trusts within its jurisdiction by a palatine court, and (subject to the prescribed definition of the jurisdiction) by any county court judge to whom such jurisdiction may be assigned under this Act.

3. *Jurisdiction of court in cases of breach of trust.* (1.) If it appears to the court that a trustee, whether appointed under this Act or not, is or may be personally liable for any breach of trust, whether the transaction alleged to be a breach of trust occurred before or after the passing of this Act, but has acted honestly and reasonably, and ought fairly to be excused for the breach of trust and for omitting to obtain the directions of the court in the matter in which he committed such breach, then the court may relieve the trustee either wholly or partly from personal liability for the same.

(2.) This section shall come into operation at the passing of this Act.

4. *Rules.* (1.) Rules may be made for carrying into effect this Act, and especially—
(1) for requiring judicial trustees, who are not officials of the court, to give security for the due application of any trust property under their control:

(2) respecting the safety of the trust property, and the custody thereof:

(3) respecting the remuneration of judicial trustees and for fixing and regulating the fees to be taken under this Act so as to cover the expenses of the administration of this Act, and respecting the payment of such remuneration and fees out of the trust property, and, where the judicial trustee is

an official of the court, respecting the application of the remuneration and fees payable to him:

- (4) for dispensing with formal proof of facts in proper cases:
- (5) for facilitating the discharge by the court of administrative duties under this Act without judicial proceedings, and otherwise regulating procedure under this Act and making it simple and inexpensive:
- (6) for assigning jurisdiction under this Act to county court judges and defining such jurisdiction:
- (7) respecting the suspension or removal of any judicial trustee, and the succession of another person to the office of any judicial trustee who may cease to hold office, and the vesting in such person of any trust property:
- (8) respecting the classes of trusts in which officials of the court are not to be judicial trustees, or are to be so temporarily or conditionally:
- (9) respecting the procedure to be followed where the judicial trustee is executor or administrator:
- (10) for preventing the employment by judicial trustees of other persons at the expense of the trust, except in cases of strict necessity:
- (11) for the filing and auditing of the accounts of any trust of which a judicial trustee has been appointed.

(2.) The rules under this Act may be made by the Lord Chancellor, subject to the consent of the Treasury in matters relating to fees and to salaries and numbers of officers, and to the consent of the authority for making orders under the Solicitors Remuneration Act, 1881 [44 & 45 Vict. c. 44], in matters relating to the remuneration of solicitors. The rules shall be laid before Parliament and have the same force as if enacted in this Act, provided that if, within thirty days after such rules have been laid before either House of Parliament during which that House has sat, the House presents to Her Majesty an address against such rules or any of them, such rules or the rule specified in the address shall thenceforward be of no effect.

5. Definitions. In this Act—

The expression "official of the court" mean the holder of such paid office in or connected with the court as may be prescribed.

The expression "prescribed" means prescribed by rules under this Act.

6. Short title, extent, and commencement of Act. (1.) This Act may be cited as the Judicial Trustees Act, 1896.

(2.) This Act shall not extend to any charity, whether subject to or exempted from the Charitable Trusts Acts, 1853 to 1894.

(3.) This Act shall not extend to Scotland or Ireland.

(4.) This Act, except as by this Act otherwise provided, shall come into operation on the first day of May, one thousand eight hundred and ninety-seven.

CHAPTER 36

[*Locomotives on Highways Act, 1896.*]

An Act to amend the Law with respect to the Use of Locomotives on Highways.

[14th August 1896.]

Be it enacted, &c. :

1. Exemption of light locomotives from certain statutory provisions. (1.) The enactments mentioned in the schedule to this Act, and any other enactment restricting the use of locomotives on highways and contained in any public general or local and personal Act in force at the passing of this Act, shall not apply to any vehicle propelled by mechanical power if it is under three tons in weight unladen, and is not used for the purpose of drawing more than one vehicle (such vehicle with its locomotive not to exceed in weight unladen four tons), and is so constructed that no smoke or visible vapour is emitted therefrom except from any temporary or accidental cause; and vehicles so exempted, whether locomotives or drawn by locomotives, are in this Act referred to as light locomotives.

Provided that—

(a) the council of any county or county borough shall have power to make byelaws preventing or restricting the use of such locomotives upon any bridge within their area, where such council are satisfied that such use would be attended with damage to the bridge or danger to the public:

(b) a light locomotive shall be deemed to be a carriage within the meaning of any Act of Parliament, whether public general or local, and of any rule, regulation, or byelaw, made under any Act of Parliament, and, if used as a carriage of any particular class, shall be deemed to be a carriage of that class, and the law relating to carriages of that class shall apply accordingly.

(2.) In calculating for the purposes of this Act the weight of a vehicle unladen, the weight of any water, fuel, or accumulators, used for the purpose of propulsion, shall not be included.

2. Regulations as to lights. During the period between one hour after sunset and one hour before sunrise, the person in charge of a light locomotive shall carry attached thereto a lamp so constructed and placed as to exhibit a light in accordance with the regulations to be made by the Local Government Board.

3. Locomotives to carry a bell. Every light locomotive shall carry a bell or other instrument capable of giving audible and sufficient warning of the approach or position of the carriage.

4. Rate of speed. No light locomotive shall travel along a public highway at a greater speed than fourteen miles an hour, or than any less speed that may be prescribed by regulations of the Local Government Board.

5. Use of petroleum, &c. The keeping and use of petroleum or of any other inflammable liquid or fuel for the purpose of light locomotives shall be subject to regulations made by a Secretary of State, and regulations so made shall have effect notwithstanding anything in the Petroleum Acts, 1871 to 1881 [34 & 35 Vict. c. 105; 42 & 43 Vict. c. 47; 44 & 45 Vict. c. 67].

6. Local Government Board regulations. (1.) The Local Government Board may make regulations with respect to the use of light locomotives on highways, and their construction, and the conditions under which they may be used.

(2.) Regulations under this section may, if the Local Government Board deem it necessary, be of a local nature and limited in their application to a particular area, and may, on the application of any local authority, prohibit or restrict the use of locomotives for purposes of traction in crowded streets, or in other places where such use may be attended with danger to the public.

All regulations under this section shall have full effect notwithstanding anything in any other Act, whether general or local, or any byelaws or regulations made thereunder.

Every regulation purporting to be made in pursuance of this section shall be forthwith laid before both Houses of Parliament.

7. Penalties. A breach of any byelaw or regulation made under this Act, or of any provision of this Act, may, on summary conviction, be punished by a fine not exceeding ten pounds.

8. Excise duty on certain locomotives. (1.) On and after the first day of January next after the passing of this Act there shall be granted, charged, and paid in Great Britain for every light locomotive, which is liable to duty either as a carriage or as a hackney carriage under section four of the Customs and Inland Revenue Act, 1888, an additional duty of excise at the following rate, namely :—

	£ s. d.
If the weight of the locomotive exceeds one ton unladen, but does not exceed two tons unladen	2 2 0
If the weight of the locomotive exceeds two tons unladen	3 3 0

(2.) Every such duty shall be paid together with the duty on the licence for the locomotive as a carriage or a hackney carriage, and shall in England be dealt with in a manner directed with respect to duties on local taxation licences within

the meaning of the Local Government Act, 1888 [51 & 52 Vict. c. 41]; and in Scotland be paid into the Local Taxation (Scotland) Account, and be dealt with as part of the residue within the meaning of section 2, sub-section (3), of the Local Taxation (Customs and Excise) Act, 1890 [53 & 54 Vict. c. 60].

9. Construction of wheels of locomotives on roads. The requirements of sub-section (4) of section twenty-eight of the Highways and Locomotives Amendment Act, 1878, may be from time to time varied by order of the Local Government Board.

10. Application to Scotland. In the application of this Act to Scotland a reference to the Secretary for Scotland shall be substituted for a reference to the Local Government Board, a reference to the road authority of any county or burgh for a reference to the council of a county or county borough, and a reference to sub-section (4) of section three of the Locomotives Amendment (Scotland) Act, 1878 [41 & 42 Vict. c. 58], for a reference to sub-section (4) of section twenty-eight of the Highways and Locomotives Amendment Act, 1878.

11. Application to Ireland. In the application of this Act to Ireland a reference to the Local Government Board for Ireland shall be substituted for a reference to the Local Government Board, and a reference to the council of a county shall be construed in an urban sanitary district under the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52], as a reference to the urban sanitary authority, and elsewhere as a reference to the grand jury.

12. Short title and commencement. This Act may be cited as the Locomotives on Highways Act, 1896, and shall come into operation on the expiration of three months from the passing thereof.

SCHEDULE.

ENACTMENTS WHICH ARE NOT TO APPLY TO LIGHT LOCOMOTIVES.

The Locomotives Act, 1861 [24 & 25 Vict. c. 70], except so much of section one as relates to tolls on locomotives, and sections seven and thirteen. Section forty-one of the Thames Embankment Act, 1862 [25 & 26 Vict. c. 93].

The Locomotives Act, 1865 [28 & 29 Vict. c. 83]. The Locomotives Amendment (Scotland) Act, 1878 [41 & 42 Vict. c. 58].

Part II. of the Highways and Locomotives (Amendment) Act, 1878 [41 & 42 Vict. c. 77]. Section six of the Public Health (Ireland) Amendment Act, 1879 [42 & 43 Vict. c. 57].

CHAPTER 37.

[*Agricultural Rates, Congested Districts, and Burgh Land Tax Relief (Scotland) Act, 1896.*]

An Act to amend the Law with respect to the Classification of Lands and Heritages for purposes of Rating in Scotland, for the Relief of the Occupiers of Agricultural Lands and Heritages, for the creation of a fund for the Improvement of Congested Districts in the Highlands and Islands, and for Relief from the payment of the Land Tax in Burghs in Scotland. [14th August, 1896.]

CHAPTER 38.

[*Uganda Railway Act, 1896.*]

An Act to make provision for the Construction of a Railway in Africa, from Mombasa to the Victoria Nyanza, through the Protectorate of Zanzibar, British East Africa, and Uganda. [14th August, 1896.]

CHAPTER 39.

[*Expiring Laws Continuance Act, 1896.*]

An Act to continue various Expiring Laws. [14th August, 1896.]

CHAPTER 40.

[*Telegraph (Money) Act, 1896.*]

An Act to provide for raising further Money for the purpose of the Telegraph Acts, 1862 to 1892. [14th August, 1896.]

CHAPTER 41.
[Local Taxation (Ireland) Estate Duty Act, 1896.]

An Act for paying to the Local Taxation (Ireland) Account a Share of the Estate Duty.
 [14th August, 1896.]

CHAPTER 42.
[Public Works Loans Act, 1896.]

An Act to grant moneys for the purpose of certain Local Loans, and for other purposes relating to Local Loans.
 [14th August, 1896.]

CHAPTER 43.
[Coal Mines Regulation Act, 1896.]

An Act to amend the Coal Mines Regulation Act, 1887.
 [14th August, 1896.]

Be it enacted, &c. :

1. *Special rules.* (1.) The power to propose, amend, and modify special rules for a mine under the Coal Mines Regulation Act, 1887 [50 & 51 Vict. c. 58] (in this Act referred to as the principal Act), shall include powers with respect to any of the following matters:—

- (a) the nature and description of the lights or lamps to be used in the mine, and their custody and the mode of using and trimming them; and
- (b) the description of explosives to be used in the mine, the mode of using and of storing such explosives, and of making and stemming holes, and the times at which and the manner in which shots are to be fired in the mine; and
- (c) the number or class of persons, if any, to be permitted to remain in the mine or any part thereof whilst shots are being fired; and
- (d) the watering or efficient damping of the mine or any ways or places therein; and
- (e) generally the precautions to be adopted for the prevention of accidents from inflammable gas and coal dust.

(2.) While any special rules made under this section are in force in any mine, any general rule contained in section forty-nine of the principal Act, and any special rule established under the principal Act, shall, if and so far as it is inconsistent with any special rules made under this section, be suspended in relation to that mine.

2. *Representation of workmen on arbitration.* Where any matter in difference is referred to arbitration under the principal Act, a majority of the workmen employed in the mine to which the arbitration relates may, on giving such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs occasioned by such representation, appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration to such extent and in such manner as the arbitrators or umpire may direct, and be subject to the same liability with respect to costs so occasioned as if he were a party to the arbitration.

3. *Plan of mine in working.* The plan required to be kept in pursuance of section thirty-four of the principal Act shall show the position of the workings therein mentioned with regard to the surface, and the position, extension, and direction of every known fault or dislocation of the seam with its vertical throw.

4. *Plan of abandoned mine.* (1.) For sub-sections (1) and (2) of section thirty-eight of the principal Act shall be substituted the following sub-sections:—

- "(1.) Where any mine or seam is abandoned, the person who is owner of the mine or seam at the time of its abandonment shall, within three months after the abandonment, send to a Secretary of State:

(i.) An accurate plan of the mine or seam, being either the original working plan or an accurate copy thereof made by a competent draughtsman, and showing—

STATUTES.

59 & 60 VICT. Ch. 41-44.

Be it enacted, &c. :

1. *Deductions or payments in respect of fines.* (1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman, for or in respect of any fine, unless—

- (a) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and

(b) the contract specifies the acts or omissions in respect of which the fine may be imposed, and the amount of the fine or the particulars from which that amount may be ascertained; and

(c) the fine imposed under the contract is in respect of some act or omission which causes or is likely to cause damage or loss to the employer, or interruption or hindrance to his business; and

(d) the amount of the fine is fair and reasonable having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment, unless—

- (a) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid; and

(b) particulars in writing showing the acts or omissions in respect of which the fine is imposed and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

(3.) This section shall apply to the case of a shop assistant in like manner as it applies to the case of workman.

2. *Deductions or payments in respect of damaged goods.* (1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for or in respect of bad or negligent work or injury to the materials or other property of the employer, unless—

- (a) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and

(b) the deduction or payment to be made under the contract does not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman, or of some person over whom he has control, or for whom he has by the contract agreed to be responsible; and

(c) the amount of the deduction or payment is fair and reasonable, having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment unless—

- (a) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid; and

(b) particulars in writing showing the acts or omissions in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

3. *Deductions or payments in respect of materials.* (1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for, or in respect of, the use or supply of materials, tools or machines, standing room, light, heat, or for or in respect of any other thing to be done or provided by the employer in relation to the work or labour of the workman unless—

- (a) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to workmen, and in such a position that it may be easily seen, read, and copied by any person whom it affects; or

CHAPTER 44.
[Truck Act, 1896.]

An Act to amend the Truck Acts.
 [14th August, 1896.]

the contract is in writing, signed by the workman; and

(b) the sum to be paid or deducted under the contract in respect of materials, tools or machines, standing room, light, heat, or any other thing, does not exceed, in the case of materials or tools supplied to the workman, the actual or estimated cost thereof to the employer, or in the case of the use of machinery, light, heat, or any other thing in this section mentioned, a fair and reasonable rent or charge, having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment unless—

(a) the deduction or payment is made in pursuance of, and in accordance with, such a contract as aforesaid; and

(b) particulars in writing, showing the things in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

4. *Penalty.*] If any employer enters into any contract contrary to this Act, or makes any deduction or receives any payment contrary to this Act, he shall be guilty of an offence against the Truck Act, 1831 [1 & 2 Will. 4, c. 37], and shall be liable to the penalties imposed by section nine of that Act as if the offence were an offence in that section mentioned.

5. *Recovery of payments or deductions.*] Any workman or shop assistant may recover any sum deducted by or paid to his employer contrary to this Act, provided that proceedings for such recovery are commenced within six months from the date of the deduction or payment sought to be recovered, and that where he has consented to or acquiesced in any such deduction or payment, he shall only recover the excess which has been deducted or paid over the amount, if any, which the court may find to have been fair and reasonable, having regard to all the circumstances of the case.

6. *Production of contract.*] (1.) Every employer who has made any contract purporting or intending to operate as a contract under this Act, shall, on demand in writing by one of Her Majesty's inspectors of factories or of mines, produce the contract or a true copy thereof at any convenient time and place to be named by the inspector, and the inspector shall be at liberty to take a copy of the same or of any part thereof, and the employer of any workman or shop assistant who is party to any such contract shall at the time of making the contract give the workman or shop assistant a copy of the contract or of the notice containing its terms.

(2.) A workman or shop assistant who is party to any such contract shall be entitled, on request, to obtain from his employer free of charge a copy of the contract or of the notice containing its terms.

(3.) Every employer who has made any contract purporting or intending to operate as a contract under section one of this Act shall keep a register of deductions or payments, and shall enter therein every deduction or payment for or in respect of any fine purporting to be made under any such contract, specifying the amount and the nature of the act or omission in respect of which the fine was imposed, and this register shall be at all times open to inspection by one of Her Majesty's Inspectors of Factories or of Mines.

(4.) If any person fails to comply with this section he shall be liable on summary conviction to a fine not exceeding forty shillings.

7. *Exemption of contract from stamp duty.*] A contract entered into under the provisions of this Act shall not be liable to stamp duty.

8. *Saving as to contracts and payments illegal under existing Acts.*] Nothing in this Act shall make lawful any contract or payment which is illegal under the Truck Acts, 1831 [1 & 2 Will. 4, c. 37], and 1887 [50 & 51 Vict. c. 46], or under the Hosiery Manufacture (Wages) Act, 1874 [37 & 38 Vict. c. 48], or affect the provisions of the Coal Mines Regulation Act, 1887 [50 & 51 Vict. c. 58], or any amending Act, with respect to persons employed in mines and paid according to weight, or make lawful any deduction from payments made to those persons.

9. *Power to exempt from provisions of Act.*] (1.) The Secretary of State, if satisfied that the provisions of this Act are unnecessary for the protection of the workmen employed in any trade or business, or in any branch or department of any trade or business, either generally or within any specified area, may by order under his hand grant an exemption from those provisions in respect of the persons engaged in that trade, business, branch or department, either generally or within that area.

(2.) The Secretary of State may at any time amend or revoke any such order.

(3.) Every order made under this section shall be laid as soon as may be before both Houses of Parliament, and if either House within the next forty days after the order has been so laid before that House resolves that the order ought to be annulled, the order shall, after the date of that resolution, be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order.

10. *Duties of inspectors.*] Sub-section two of section thirteen of the Truck Amendment Act, 1887 [50 & 51 Vict. c. 46], (which relates to the duty of inspectors) shall apply in the case of a laundry, and in the case of any place where work is given out by the occupier of a factory or workshop, or by a contractor, or sub-contractor, in like manner as it applies in the case of a factory.

11. *Commencement.*] This Act shall come into operation on the first day of January one thousand eight hundred and ninety-seven.

12. *Short title and construction.*] This Act may be cited as the Truck Act, 1896; and the Truck Acts, 1831 and 1887, and this Act shall be cited collectively as the Truck Acts, 1831 to 1896.

CHAPTER 45.

[*Stannaries Court (Abolition) Act, 1896.*]

An Act for abolishing the Court of the Vice-Warden of the Stannaries.

[14th August, 1896.]

Be it enacted, &c. :

1. *Abolition of Vice-Warden's Court.*] (1.) On the commencement of this Act the Court of the Vice-Warden of the Stannaries shall cease to exist, except for the purpose of continuing and concluding proceedings pending in that court at that date, and as from that date all jurisdiction and powers of the said court and its officers shall, except as aforesaid, be transferred to and vested in such of the county courts as the Lord Chancellor may by order direct, and be exercised subject to and in accordance with rules of court for regulating the procedure in county courts.

(2.) Provision may be made by order of the Lord Chancellor—

(a) for determining by, to, or before what officer or in what office, may be done

anything required to be done by, to, or before any officer or in any office of the said court of Vice-Warden;

(b) for transferring to a county court any proceedings pending in the said court at the commencement of this Act;

(c) for determining the place of sitting for the exercise of any jurisdiction transferred by this Act;

(d) with respect to the use and disposal of any property which at the commencement of this Act is held for the use of the said court or of any officer of the said court, and of any room or building which at that date is appropriated for the use of the said court or of the Vice-Warden, officers, and suitors thereof; and

(e) with respect to the custody of any records which at that date are under the custody of the said court.

2. *Pensions and remuneration.*] There shall be paid to the persons who are at the commencement of this Act the Vice-Warden and officers of the Court of the Vice-Warden of the Stannaries such pensions, and on such conditions, and out of such funds (including the funds mentioned in section twenty-nine of the Stannaries Act, 1887, and any other funds available for the purpose) as may be fixed by the Treasury with the concurrence of His Royal Highness the Prince of Wales and Duke of Cornwall, regard being had to the date and form of appointment, and salary attached thereto, and to the nature and length of the services of those persons and to the amount and nature of the funds available for their pensions.

3. *Explanation of references to Stannaries Court.*] References in any unrepealed enactment to mines subject to the jurisdiction of the Court of the Vice-Warden of the Stannaries, or within the cognizance of the said Vice-Warden, shall be construed as applying to mines which would have been subject to the jurisdiction of the said court if it had not been abolished.

4. *Reference of certain disputes to arbitration.*] (1.) In the event of any dispute arising between—

(a) any two or more mining companies; or

(b) any mining company and His Royal Highness the Prince of Wales and Duke of Cornwall, or any person having any estate or interest in the mine worked by or leased to that mining company;

a judge of a county court exercising the jurisdiction of the Stannaries Court may, on the application of any party to the dispute, order that the matter in dispute be tried before himself or before an arbitrator agreed on by the parties or an officer of the court, and the Arbitration Act, 1889 [52 & 53 Vict. c. 49], shall apply to any such reference.

(2.) For the purposes of this section the expression "mining company" shall mean any person or body of persons engaged in or formed for working mines within the Stannaries.

5. *Repeal.*] The enactments described in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Provided that nothing in this repeal shall affect any proceedings pending in the Court of the Vice-Warden of the Stannaries at the commencement of this Act, or any appeal from the said court pending at that date.

6. *Commencement of Act.*] This Act shall come into operation on the first day of January one thousand eight hundred and ninety-seven.

7. *Short title.*] This Act may be cited as the Stannaries Court (Abolition) Act, 1896.

SCHEDULE.
ENACTMENTS REPEALED.

Section and Chapter.	Title or Short Title.	Extent of Repeal.
16 Chas. 1, c. 15.	An Act against diverse Incroachments and Oppressions in the Stannaries Courts.	The whole Act.
6 & 7 Will. 4, c. 106.	The Stannaries Act, 1836.	The whole Act except sections four, six, and seven.
3 & 3 Vict. c. 58.	An Act to make further provision for the administration of justice and for improving the practice and proceedings in the Courts of the Stannaries of Cornwall, and for the prevention of frauds by workmen employed in mines within the county of Cornwall.	The whole Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Vict. c. 65.	An Act to enable the Council of his Royal Highness Albert Edward, Prince of Wales, to sell and exchange lands and enfranchise copyholds, parcel of the possessions of the Duchy of Cornwall, to purchase other lands, and for other purposes.	Section forty.
11 & 12 Vict. c. 83.	An Act to confirm the Awards of Assessable Manors Commissioners, and for other purposes relating to the Duchies of Cornwall and Lancaster.	Sections seven to eleven, and section thirteen.
18 & 19 Vict. c. 32.	An Act to amend and extend the jurisdiction of the Stannaries Court.	The whole Act, except sections one and thirty-one.
25 & 26 Vict. c. 89.	The Companies Act, 1862.	Section eighty-three, from "and the vice-warden" to end of section, sections one hundred and eight and one hundred and sixteen, section one hundred and twenty-four from "Provided" to the end of the section, and section one hundred and seventy-two.
32 & 33 Vict. c. 19.	The Stannaries Act, 1869.	Sections twenty-seven to thirty-three, and thirty-eight to forty-four.
50 & 51 Vict. c. 43.	The Stannaries Act, 1887.	Sections eight, twenty-eight, thirty, thirty-two, and thirty-three.

CHAPTER 46.

[*Appropriation Act, 1896.*]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-seven, and to appropriate the Supplies granted in this Session of Parliament.

[14th August, 1896.]

CHAPTER 47.

[*Land Law (Ireland) Act, 1896.*]

An Act to further amend the Law relating to the Occupation and Ownership of Land in Ireland, and for other purposes relating thereto.

[15th August, 1896.]

CHAPTER 48.

[*Light Railways Act, 1896.*]

An Act to facilitate the Construction of Light Railways in Great Britain.

[14th August, 1896.]

Be it enacted, &c. :

1. *Establishment of Light Railway Commission.* (1.) For the purpose of facilitating the construction and working of light railways in Great Britain, there shall be established a commission, consisting of three commissioners, to be styled the Light Railway Commissioners, and to be appointed by the President of the Board of Trade.

(2.) It shall be the duty of the Light Railway Commissioners to carry this Act into effect, and to offer, so far as they are able, every facility for considering and maturing proposals to construct light railways.

(3.) If a vacancy occurs in the office of any of the Light Railway Commissioners by reason of death, resignation, incapacity, or otherwise, the President of the Board of Trade may appoint some other person to fill the vacancy, and so from time to time as occasion may require.

(4.) There shall be paid to one of the Commissioners such salary, not exceeding one thousand pounds a year, as the Treasury may direct.

(5.) The Board of Trade may, with the consent of the Treasury as to number and remuneration, appoint and employ such number of officers and persons as they think necessary for the purpose of the execution of the duties of the Light Railway Commissioners under this Act, and may remove any officer or person so appointed or employed.

(6.) The said salary and remuneration, and all expenses of the Light Railway Commissioners incurred with the sanction of the Treasury in the execution of this Act shall, except so far as provision is made for their payment by or under this Act, be paid out of moneys provided by Parliament.

(7.) The commissioners may act by any two of their number.

(8.) The powers of the Light Railway Commissioners shall, unless continued by Parliament, cease on the thirty-first day of December one thousand nine hundred and one.

2. *Application for orders authorising light railways.* An application for an order authorising a light railway under this Act shall be made to the Light Railway Commissioners, and may be made—

- (a) by the council of any county, borough, or district, through any part of which the proposed railway is to pass; or
- (b) by any individual, corporation, or company; or
- (c) jointly by any such councils, individuals, corporations, or companies.

3. *Powers of local authorities under order.* (1.) The council of any county, borough, or district, may, if authorised by an order under this Act—

- (a) undertake themselves to construct and work, or to contract for the construction or working of, the light railway authorized;
- (b) advance to a light railway company, either by way of loan or as part of the share capital of the company, or partly in one way and partly in the other, any amount authorized by the order;
- (c) join any other council or any person or body of persons in doing any of the things above mentioned; and
- (d) do any such other act incidental to any of the things above mentioned as may be authorized by the order.

(2.) Provided that—

- (a) an order authorising a council to undertake to construct and work or to contract for the construction or working of a light railway, or to advance money to a light railway company, shall not be made except on an application by the council made in pursuance of a special resolution passed in manner directed by the First Schedule to this Act; and

(b) a council shall not construct or work or contract for the construction or working of any light railway wholly or partly outside this area, or advance any money for the purpose of any such railway, except jointly with the council of the outside area, or on proof to the satisfaction of the Board of Trade that such construction, working, or advance is expedient in the interests of the area of the first-mentioned council, and in the event of their being authorized so to do their expenditure shall be so limited by the order as not to exceed such amount as will, in the opinion of the Board of Trade, bear due proportion to the benefit which may be expected to accrue to their area from the construction or working of the railway.

4. *Loans by Treasury.* (1.) Where the council of any county, borough, or district, have advanced or agreed to advance any sum to a light railway company, the Treasury may also agree to make an advance to the company by lending them any sum not exceeding one quarter of the total amount required for the purpose of the light railway and not exceeding the amount for the time being advanced by the council.

Provided that the Treasury shall not advance money to a light railway company under this section, unless at least one-half of the total amount required for the purpose of the light railway is provided by means of share capital, and at least

one-half of that share capital has been subscribed and paid up by persons other than local authorities.

(2.) Any loan under this section shall bear interest at such rate not less than three pounds two shillings and sixpence per centum per annum as the Treasury may from time to time authorize as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer, and shall be advanced on such conditions as the Treasury determine.

(3.) Where the Treasury advance money to a light railway company under this section, and the advance by the council to the company is made in whole or part by means of a loan, the loan by the Treasury under this section shall rank pari passu with the loan by the council.

5. *Special advances by Treasury.* (1.) Where it is certified to the Treasury by the Board of Agriculture that the making of any light railway under this Act would benefit agriculture in any district, or by the Board of Trade that by the making of any such railway a necessary means of communication would be established between a fishing harbour or fishing village and a market, or that such railway is necessary for the development of or maintenance of some definite industry, but that owing to the exceptional circumstances of the district the railway would not be constructed without special assistance from the State, and the Treasury are satisfied that a railway company existing at the time will construct and work the railway if an advance is made by the Treasury under this section, the Treasury may, subject to the limitation of this Act as to the amount to be expended for the purpose of special advances, agree that the railway be aided out of public money by a special advance under this section.

Provided that—

- (a) the Treasury shall not make any such special advance unless they are satisfied that landowners, local authorities, and other persons locally interested have by the free grant of land or otherwise given all reasonable assistance and facilities in their power for the construction of the railway; and
- (b) a special advance shall not in any case exceed such portion not exceeding one half of the total amount required for the construction of the railway as may be prescribed by rules to be made by the Treasury under this Act; and

(c) where the Treasury agree to make any such special advance as a free grant, the order authorising the railway may make provision as regards any parish that, during a period not exceeding ten years to be fixed by the order, so much of the railway as is in that parish shall not be assessed to any local rate at a higher value than that at which the land occupied by the railway would have been assessed if it had remained in the condition in which it was immediately before it was acquired for the purposes of the railway, but before such provision is made in any order the local and rating authorities of every such parish shall be informed of the intention to insert such provision, and shall be entitled to be heard. The order may

authorize the Board of Trade to extend any such period.

(2.) A special advance under this section may be a free grant or a loan or partly a free grant and partly a loan.

(3.) Any free grant or loan for a special advance under this section shall be made on such conditions and at such rate of interest as the Treasury direct.

6. *Limitation on amount of advance and provision of money by National Debt Commissioners.*—(1.) The total amount advanced by the Treasury under this Act shall not at any time exceed one million pounds, of which a sum not exceeding two hundred and fifty thousand pounds may be expended for the purpose of special advances under this Act.

(2.) The National Debt Commissioners may lend to the Treasury, and the Treasury may borrow from the National Debt Commissioners, such money as may be required for the purpose of advances by the Treasury under this Act, on such terms as to interest, sinking fund, and period of repayment (not exceeding thirty years from the date of the loan) as may be agreed on between the National Debt Commissioners and the Treasury.

(3.) The sums so lent by the National Debt Commissioners shall be repaid out of money provided by Parliament for the purpose, and if and so far as that money is insufficient shall be charged on, and payable out of, the Consolidated Fund, or the growing produce thereof.

7. *Consideration of application by Light Railway Commissioners.*—(1.) Where an application for authorizing a light railway under this Act is made to the Light Railway Commissioners, those Commissioners shall, in the first instance, satisfy themselves that all reasonable steps have been taken for consulting the local authorities, including road authorities, through whose areas the railway is intended to pass, and the owners and occupiers of the land it is proposed to take, and for giving public notice of the application, and shall also themselves by local inquiry and such other means as they think necessary possess themselves of all such information as they may consider material or useful for determining the expediency of granting the application.

(2.) The applicants shall satisfy the commissioners that they have

(a) published once at least in each of two consecutive weeks, in some newspaper circulating in the area or some part of the area through which the light railway is to pass, an advertisement describing shortly the land proposed to be taken and the purpose for which it is proposed to be taken, naming a place where a plan of the proposed works and the lands to be taken, and a book of reference to the plan, may be seen at all reasonable hours, and stating the quantity of land required; and

(b) served notice in the prescribed manner on every reputed owner, lessee, and occupier of any land intended to be taken, describing in each case the land intended to be taken, and inquiring whether the person so served assents to or dissents from the taking of his land, and requesting him to state any objections he may have to his land being taken.

The plan and book of reference shall be in the prescribed form, and for the purposes of this section the expression "prescribed" shall mean prescribed by rules made under this Act.

(3.) The Commissioners shall before deciding on an application give full opportunity for any objections to the application to be laid before them, and shall consider all such objections, whether made formally or informally.

(4.) If after consideration the Commissioners think that the application should be granted, they shall settle any draft order submitted to them by the applicants for authorizing the railway, and see that all such matters (including provisions for the safety of the public and particulars of the land proposed to be taken) are inserted therein, as they think necessary for the proper construction and working of the railway.

(5.) The order of the Light Railway Commissioners shall be provisional only, and shall have no effect until confirmed by the Board of Trade in manner provided by this Act.

(6.) Where an application for a light railway has been refused by the Light Railway Commissioners, the applicants, if the council of any county, borough, or district, may appeal against such refusal to the Board of Trade, who may, at any time if they think fit, remit the application or any portion thereof to the said Commissioners for further consideration, with or without special instructions.

8. *Submission of order to Board of Trade for confirmation.*—(1.) The Commissioners shall submit any order made by them under this Act to the Board of Trade for confirmation, accompanied by such particulars and plans as may be required by the Board, and shall also make and lay before the Board with the order a report stating the objections which have been made to the application, and the manner in which they have been dealt with, and any other matters in reference to the order which the Commissioners may think fit to insert in the report.

(2.) The Board of Trade shall give public notice of any order so submitted to them in such manner as they think best for giving information thereof to persons interested, and shall also state in the notice that any objections to the confirmation of the order must be lodged with the Board and the date by which those objections must be lodged.

9. *Consideration of order by Board of Trade.*—(1.) The Board of Trade shall consider any order submitted to them under this Act for confirmation with special reference to—

(a) the expediency of requiring the proposals to be submitted to Parliament; and
(b) the safety of the public; and
(c) any objection lodged with them in accordance with this Act.

(2.) The Light Railway Commissioners shall, so far as they are able, give to the Board of Trade any information or assistance which may be required by the Board for the purpose of considering any order submitted to them or any objection thereto.

(3.) If the Board of Trade on such consideration are of opinion that by reason of the magnitude of the proposed undertaking, or of the effect thereof on the undertaking of any railway company existing at the time, or for any other special reason relating to the undertaking, the proposals of the promoters ought to be submitted to Parliament, they shall not confirm the order.

(4.) The Board of Trade shall modify the provisions of the order for ensuring the safety of the public in such manner as they consider requisite or expedient.

(5.) If any objection to the order is lodged with the Board of Trade and not withdrawn, the Board of Trade shall consider the objection and give to those by whom it is made an opportunity of being heard, and if after consideration they decide that the objection should be upheld, the Board shall not confirm the order, or shall modify the order so as to remove the objection.

(6.) The Board of Trade may at any time, if they think fit, remit the order to the Light Railway Commissioners for further consideration, or may themselves hold or institute a local inquiry, and hear all parties interested.

10. *Confirmation of order by Board of Trade.*—The Board of Trade may confirm the order with or without modifications as the case may require, and an order so confirmed shall have effect as if enacted by Parliament, and shall be conclusive evidence that all the requirements of this Act in respect of proceedings required to be taken before the making of the order have been complied with.

11. *Provisions which may be made by the order.*—An order under this Act may contain provisions consistent with this Act for all or any of the following purposes—

(a) the incorporation, subject to such exceptions and variations as may be mentioned in the order, of all or any of the provisions of the Clauses Acts as defined by this Act. Provided that where it appears to the Board of Trade that variations of the Clauses Acts are required by the special circumstances of the case, the Board of Trade shall make a special report to Parliament on the subject, and that nothing in this section shall authorize any variation of the provisions of the Clauses Acts with

respect to the purchase and taking of land otherwise than by agreement; and
(b) the application, if and so far as may be considered necessary, of any of the enactments mentioned in the Second Schedule to this Act (being enactments imposing obligations on railway companies with respect to the safety of the public and other matters); and

(c) giving the necessary powers for constructing and working the railway, including power to make agreements with railway and other companies for the purpose; and

(d) giving any railway company any power required for carrying the order into effect; and

(e) the constitution as a body corporate of a company for the purpose of carrying out the objects of the order; and

(f) the representation on the managing body of the railway of any council who advance, or agree to advance, any money for the purpose of the railway; and

(g) authorizing a council to advance or borrow money for the purposes of the railway and limiting the amount to be so advanced or borrowed, and regulating the terms on which any money is to be so advanced or borrowed; and

(h) the manner in which the profits are to be divided, where an advance is made by a council to a light railway company as part of the share capital of the company; and

(i) the proper audit of the accounts of the managing body of the railway where the managing body is not a local authority and the time within which the railway must be constructed; and

(j) fixing the maximum rates and charges for traffic; and

(k) in the case of a new company, requiring the company to make a deposit, and providing for the time of making and the application of the deposit; and

(l) empowering any local authority to acquire the railway; and

(m) any other matters, whether similar to the above or not, which may be considered ancillary to the objects of the order or expedient for carrying those objects into effect.

12. *Application of general Railway Acts.*—(1.) The Clauses Acts, as defined by this Act, and the enactments mentioned in the Second Schedule to this Act, shall not apply to a light railway authorized under this Act except so far as they are incorporated or applied by the order authorizing the railway.

(2.) Subject to the foregoing provisions of this Act and to any special provisions contained in the order authorizing the railway, the general enactments relating to railways shall apply to a light railway under this Act in like manner as they apply to any other railway; and for the purposes of those enactments, and of the Clauses Acts so far as they are incorporated or applied by the order authorizing the railway, the light railway company shall be deemed a railway company, and the order under this Act a special Act, and any provision thereof a special enactment. Provided that a light railway shall not be deemed to be a railway within the meaning of the Railway Passenger Duty Act, 1842 [5 & 6 Vict. c. 79], and that no duties shall hereafter be levied in respect of passengers conveyed on a light railway constructed under this Act in respect of the conveyance of such passengers upon such railway.

13. *Mode of settling purchase money and compensation for taking of land.*—(1.) Where any order under this Act incorporates the Clauses Acts, any matter which under those Acts may be determined by the verdict of a jury, by arbitration, or by two justices, shall for the purposes of the order be referred to and determined by a single arbitrator appointed by the parties, or if the parties do not concur in the appointment of a single arbitrator then by the Board of Trade, and the provisions of this Act shall apply with respect to the determination of any such matter in lieu of those of the Clauses Acts relating thereto. Provided that in determining the amount of compensation, the arbitrator shall have regard to the

extent to which the remaining and contiguous lands and hereditaments belonging to the same proprietor may be benefited by the proposed light railway.

(2.) The Board of Trade may, with the concurrence of the Lord Chancellor, make rules fixing a scale of costs to be applicable on any such arbitration, and may, by such rules, limit the cases in which the costs of counsel are to be allowed.

(3.) The Arbitration Act, 1889 [52 & 53 Vict. c. 49], shall apply to any arbitration under this section.

14. *Payment of purchase money or compensation.*] Any order under this Act may, notwithstanding anything in the Lands Clauses Acts, authorize the payment to trustees of any purchase money or compensation not exceeding five hundred pounds.

15. *Provisions as to Board of Trade.*] (1.) If the Board of Trade hold a local inquiry for the purposes of this Act, Part I. of the Board of Trade Arbitrations, &c., Act, 1874 [37 & 38 Vict. c. 40], shall apply to any inquiry so held as if—

(a) the inquiry was held on an application made in pursuance of a special Act; and

(b) the parties making the application for the order authorizing the light railway, and in the case of an inquiry held with reference to an objection made to any such application the persons making the objection in addition, were parties to the application within the meaning of section three of the Act.

(2.) The Board of Trade may make such rules as they think necessary for regulating the procedure under this Act, whether before the Board of Trade or before the Light Railway Commissioners, and any other matters which they may think expedient to regulate by rule for the purpose of carrying this Act into effect.

(3.) There shall be charged in respect of proceedings under this Act before the Board of Trade or the Light Railway Commissioners such fees as may be fixed by the Treasury on the recommendation of the Board of Trade.

(4.) Any expenses of the Board of Trade under this Act shall, except so far as provision is made for their payment by or under this Act, be defrayed out of moneys provided by Parliament.

(5.) The Board of Trade shall present to Parliament annually a report of their proceedings and of the proceedings of the Light Railway Commissioners under this Act.

16. *Expenses of local authorities.*] (1.) The council of any county, borough, or district may pay any expenses incurred by them and allowed by the Light Railway Commissioners with reference to any application for an order authorizing a light railway under this Act, in the case of a county council as general expenses, in the case of a borough council out of the borough fund or rate, and in the case of a district council other than a borough council as general expenses under the Public Health Acts.

Provided that any expenses incurred by a county council under this Act may be declared by the order authorising the railway or, in the event of an unsuccessful application for such an order, by the Light Railway Commissioners, to be exclusively chargeable on certain parishes only in the county, and those expenses shall be levied accordingly as expenses for a special county purpose under the Local Government Act, 1888 [51 & 52 Vict. c. 41].

(2.) Where the council of any county, borough, or district are authorized to expand any money by an order authorising a light railway under this Act, they may raise the money required:—

(a) if the expenditure is capital expenditure, by borrowing in manner authorized by the order; and

(b) if the expenditure is not capital expenditure, as if it was on account of the expenses of an application under this Act.

(3.) The Board of Trade may from time to time on the application of any council extend, subject to the limitations of this Act, the limit of the amount which the council are authorized by an order under this Act to borrow, or to advance to a light railway company, and the limit so extended shall be substituted for the limit fixed by the order.

(4.) Where an order under this Act authorizes any council to borrow for the purposes of a light railway, suitable provision shall be made in the

order for requiring the replacement of the money borrowed within a fixed period not exceeding sixty years, either by means of a sinking fund or otherwise.

(5.) Any profits made by a council in respect of a light railway shall be applied in aid of the rate out of which the expenses of the council in respect of the light railway are payable.

(6.) Where a rate is levied for meeting any expenditure under this Act, the demand note for the rate shall state, in a form prescribed by the Local Government Board, the proportion of the rate levied for that expenditure.

17. *Joint committees.*] (1.) The councils of any county, borough, or district, may appoint a joint committee for the purpose of any application for an order authorizing a light railway under this Act, or for the joint construction or working of a light railway, or for any other purpose in connection with such a railway for which it is convenient that those councils should combine.

(2.) The provisions of the Local Government Act, 1888 [51 & 52 Vict. c. 41], or of the Local Government Act, 1894 [56 & 57 Vict. c. 73], as the case may be, with respect to joint committees, shall apply to any joint committee appointed for the purpose of this Act by any councils who could appoint a joint committee under those Acts, but where the councils have no power under those Acts to appoint a joint committee the provisions in the Third Schedule to this Act shall apply.

18. *Working of ordinary railway as light railway.*] Where a company have power to construct or work a railway, they may be authorised by an order under this Act to construct and work or to work the railway or any part of it as a light railway under this Act.

19. *Power of owners to grant land or advance money for a light railway.*] (1.) Where any person has power, either by statute or otherwise, to sell and convey any land for the purpose of any works of a light railway, he may, with the sanction of the Board of Agriculture given under this section, convey the land for that purpose either without payment of any purchase money or compensation or at a price less than the real value, and may so convey it free from all incumbrances thereon.

(2.) Whenever any person who is a landowner within the meaning of the Improvement of Land Act, 1864 [27 & 28 Vict. c. 114], contributes any money for the purpose of any works of a light railway, the amount so contributed may, with the sanction of the Board of Agriculture given under this section, be charged on the land of the landowner improved by the works in the same manner and with the like effect as in the case of a charge under that Act.

(3.) The Board of Agriculture shall not give their sanction under this section unless they are satisfied that the works for which the land is conveyed or the money is contributed will effect a permanent increase in the value of the land held by the same title or of other land of the same landowner exceeding, in the case of a conveyance of land, that which is, in the opinion of the Board of Agriculture, the real value of the land conveyed or the difference between that value and the price, as the case may be, and in the case of a contribution of money the amount contributed: Provided also, that if the land proposed to be conveyed is subject to incumbrances, the Board of Agriculture, before giving their sanction under this section, shall cause notice to be given to the incumbrancers, and shall consider the objections, if any, raised by them.

20. *Power to grant Crown lands.*] The Commissioners of Woods shall, on behalf of Her Majesty, have the like powers to convey Crown lands as are by this Act conferred upon persons having power, either by statute or otherwise, to sell and convey lands, except that in the case of Crown lands the sanction of the Treasury shall be substituted for the sanction of the Board of Agriculture.

21. *Provision as to commons.*] (1.) No land being part of any common, and no easement over or affecting any common, shall be purchased, taken, or acquired under this Act without the consent of the Board of Agriculture, and the Board shall not give their consent unless they are satisfied that, regard being had to all the circumstances of the case, such purchase, taking, or acquisition

is necessary, that the exercise of the powers conferred by the order authorizing the railway will not cause any greater injury to the common than is necessary, and that all proper steps have been taken in the interest of the commoners and of the public to add other land to the common (where this can be done) in lieu of the land taken, and where a common is divided to secure convenient access from one part of the common to the other.

(2.) The expression "common" in this section shall include any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, any metropolitan common within the meaning of the Metropolitan Commons Acts, 1866 to 1878, and any town or village green.

22. *Preservation of scenery and objects of historical interest.*] If any objection to any application for authorizing a light railway is made to the Light Railway Commissioners, or if any objection to any draft order is made to the Board of Trade on the ground that the proposed undertaking will destroy or injure any building or other object of historical interest, or will injuriously affect any natural scenery, the Commissioners and the Board of Trade respectively shall consider any such objection, and give to those by whom it is made a proper opportunity of being heard in support of it.

23. *Junctions with existing railways.*] Any junction of a light railway authorized under this Act with any existing railway shall so far as is in the opinion of the Board of Trade reasonably practicable avoid interference with lines of rails used for passenger traffic.

24. *Amendment of order.*] An order authorizing a light railway under this Act may be altered or added to by an amending order made in like manner and subject to the like provisions as the original order.

Provided that—

- the amending order may be made on the application of any authority or person; and
- the Board of Trade, in considering the expediency of requiring the proposals for amending the order to be submitted to Parliament, shall have regard to the scope and provisions of the original order; and
- the amending order shall not confer any power to acquire the railway except with the consent of the owners of the railway.

25. *Provision as to telegraphs.*] The definition of "Act of Parliament" in the Telegraph Act, 1878 [41 & 42 Vict. c. 76], shall include an order authorizing a light railway under this Act.

26. *Application to Scotland.*] This Act shall apply to Scotland with the following modifications:—

- In section five of this Act the expression "Secretary for Scotland" shall be substituted for the expressions "Board of Agriculture" and "Board of Trade" respectively, occurring in that section;
- References to the council of any county, borough, or district, shall be construed as references to the county council of any county, or the town council, or where there is no town council the police commissioners, of any burgh, or the commissioners of any police burgh, or the district committee of any district under the Local Government (Scotland) Act, 1889 [53 & 55 Vict. c. 50], or in any county where there is no district committee any two or more parish councils may combine;
- "Arbitrator" shall be substituted for "arbitrator," and that arbitrator shall be deemed to be a single arbitrator within the meaning of the Lands Clauses Acts, and in lieu of the provisions of the Arbitration Act, 1889, the provisions of the Lands Clauses Acts with respect to an arbitrator shall apply, except the provisions of the said Acts as to the expenses of the arbitration, in lieu of which the following provision shall have effect, namely, the expenses of the arbitration and incident thereto shall be in the discretion of the arbitrator, who may direct to and by whom and in what manner those expenses, or any part thereof, shall be paid, and may tax or settle the amount of expenses to be so paid, or any part thereof, and may award expenses to be paid as between agent and client;

(4.) The Lord President of the Court of Session shall be substituted for the Lord Chancellor; (5.) The money necessary to defray expenditure, not being capital expenditure incurred by a county council in pursuance of this Act, shall be raised by a rate imposed along with but as a separate rate from the rate for maintenance of roads (hereinafter referred to as "the road rate") leviable under the Roads and Bridges (Scotland) Act, 1878 [41 & 42 Vict. c. 51], upon lands and heritages within the county, or the district, or the parish, as the case may be. The money necessary to defray expenditure similarly incurred by a town council, or police commissioners, or burgh commissioners shall be raised by a rate imposed along with but as a separate rate from the police assessment or burgh general assessment, as the case may be. If the expenditure incurred is capital expenditure it shall be raised by borrowing in the manner authorized by the order, the rate chargeable for repayment of capital, including interest and expenses, being the same rate as is liable for maintenance as aforesaid;

(6.) The provisions relating to district councils shall apply to district committees or combinations of parish councils, subject to the following modifications—

(a) A district committee shall not be entitled to make an application under section two hereof except with the consent of the county council given at a special or statutory meeting of the council, of which one month's special notice, setting forth the purpose of the meeting, shall have been sent to each councillor;

(b) A resolution to give such consent shall not be passed by the council unless two-thirds of the councillors present and voting at the special or statutory meeting concur in the resolution;

(c) Nothing in this Act shall authorize a district committee to raise money by rate or loan, but any money necessary to defray expenditure, not being capital expenditure incurred by it in pursuance of this Act, shall be raised by the county council by a rate imposed along with but as a separate rate from the road rate; and any money necessary to defray capital expenditure shall be raised by the county council by borrowing in the manner authorized by the order, as in section sixteen hereof mentioned;

(7.) The expression "Clauses Acts" shall mean the Lands Clauses Acts, the Railway Clauses Consolidation (Scotland) Act, 1845, the Companies Clauses Consolidation (Scotland) Act, 1845, the Companies Clauses Act, 1863, and the Railways Clauses Act, 1863, and the Companies Clauses Act, 1869;

(8.) References to the Local Government Act, 1888, and the Local Government Act, 1894, shall be construed as references to the Local Government (Scotland) Act, 1889 [57 & 58 Vict. c. 50], and the Local Government (Scotland) Act, 1894 [57 & 58 Vict. c. 58].

(9.) In order to carry out in Scotland the provisions contained in sub-section (1) (c) of section five of this Act, it shall be the duty of the assessor of railways and canals, as regards any parish to which the said sub-section (1) (c) applies, to enter on his valuation roll either the annual value of the light railway within such parish ascertained in terms of the Valuation of Lands (Scotland) Acts, or the annual value at which the land occupied by or for the purposes of the light railway would have been assessed if it had remained in the condition in which it was immediately before it was acquired for the purposes of the railway, whichever is less;

(10.) Where a light railway constructed under the powers of this Act is owned or leased by

an existing railway company, such light railway shall not be valued by the said assessor as part of the general undertaking of the railway company, but shall be valued as a separate undertaking.

27. *Extent of Act.*] This Act shall not extend to Ireland.

28. *Definitions.*] In this Act, unless the context otherwise requires—

The expression "light railway company" includes any person or body of persons, whether incorporated or not, who are authorized to construct, or are owners or lessees of, any light railway authorized by this Act, or who are working the same under any working agreement:

The expression "Clauses Acts" means the Lands Clauses Acts, the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Act, 1863, and the Companies Clauses Act, 1845 to 1889:

The expression "share capital" includes any capital, whether consisting of shares or of stock, which is not raised by means of borrowing.

29. *Short title.*] This Act may be cited as the Light Railways Act, 1896.

SCHEDULES.

FIRST SCHEDULE.

MODE OF PASSING SPECIAL RESOLUTIONS.

1. The resolution approving of the intention to make the application must be passed at a meeting of the council.

2. The resolution shall not be passed unless a month's previous notice of the resolution has been given in manner in which notices of meetings of the council are usually given.

3. The resolution shall not be passed unless two-thirds of the members of the council present and voting concur in the resolution.

SECOND SCHEDULE.

ENACTMENTS RELATING TO SAFETY, &c.

Session and Chapter.	Title or Short Title.	Enactment referred to.
2 & 3 Vict. c. 45.	An Act to amend an Act of the fifth and sixth years of the reign of his late Majesty King William the Fourth relating to high-ways.	The whole Act.
5 & 6 Vict. c. 55.	The Railway Regulation Act, 1842.	Sections four, five, six, nine, ten.
9 & 10 Vict. c. 57.	An Act for regulating the gauge of railways.	The whole Act.
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	Sections nineteen, twenty, twenty-two, twenty-seven, twenty-eight, and twenty-nine.
34 & 35 Vict. c. 78.	The Regulation of Railways Act, 1871.	Section five.
36 & 37 Vict. c. 76.	The Railway Regulation Act (Returns of signal arrangements, working, &c.), 1873.	Sections four and six.
41 & 42 Vict. c. 20.	The Railway Returns (Continuous Brakes) Act, 1878.	The whole Act.
46 & 47 Vict. c. 34.	The Cheap Trains Act, 1883.	Section three.
52 & 53 Vict. c. 57.	The Regulation of Railways Act, 1890.	The whole Act.

CHAPTER 49.

[Law Agents (Scotland) Act Amendment Act, 1896.]

An Act to amend the Law relating to Law Agents and Notaries Public practising in Scotland. [14th August, 1896.]

CHAPTER 50.

[Poor Law Officers' Superannuation Act, 1896.]

An Act to provide for Superannuation Allowances to Poor Law Officers and Servants, and for Contributions towards such Allowances by such Officers and Servants; and to make other relative provisions.

[14th August, 1896.]

Be it enacted, &c.:

1. *Short title and commencement of Act.*] This Act may be cited as the Poor Law Officers' Superannuation Act, 1896, and shall come into operation from and immediately after the twenty-ninth day of September one thousand eight hundred and ninety-six.

Superannuation.

2. *Title of officers and servants to superannuation allowances.*] Subject to the provisions of this Act, every officer and servant in the service or employment of the guardians of a union or parish who shall become incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or of old age, or who shall have attained the age of sixty years and have completed an aggregate service of forty years, or who shall have attained the full age of sixty-five years, shall be entitled on resigning or otherwise ceasing to hold his office or employment, to receive during life out of the common fund of the union, a superannuation allowance according to the scale laid down in this Act.

An officer or servant shall not be entitled to an allowance on the ground of old age unless he has completed the full age of sixty years.

Where an officer or servant has attained the age of sixty-five years and the guardians are of opinion that it would be expedient in the interests of the public service that he should cease to hold his office or employment, it shall be competent for them to require him to retire upon payment to him of the superannuation allowance to which he may be entitled under this Act.

3. *Scale of superannuation allowances.*] The scale for superannuation allowances under this Act shall be as follows, that is to say:—

An officer or servant who has served for ten years but less than eleven years shall be entitled to an annual allowance equal to ten-sixtieths of the average amount of his salary or wages and emoluments during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment,

With an addition of one-sixtieth of such average amount for every additional completed year of service until the completion of a period of service of forty years, when a maximum allowance of forty-sixtieths shall be granted.

4. *Reckoning service.*] All service by an officer or servant under any authority or authorities to whom this Act applies shall be aggregated and reckoned for the purposes of this Act, whether the service has been continuous or not, and whether his whole time has been devoted to the service or not.

5. *Power to add a number of years in certain cases.*] The guardians in computing the amount of superannuation allowances to any officer or servant may,

in consideration of peculiar professional qualifications, or of special circumstances, and with the consent of the Local Government Board, add a number of years not exceeding ten to the number of years which the officer or servant has actually served in the aggregate.

6. *Case of subsequent appointment.*] Where a person in receipt of a superannuation allowance under this Act is appointed to any office or employment by any authority to whom this Act applies, such allowance shall cease to be paid so long as he continues to hold such office or employment, if the salary or wages and emoluments thereof are equal to, or in excess of the amount of such allowance; if they are not, then only so much of such allowance shall be paid so long as he holds such office or employment as will make up the deficiency.

Any such person on ceasing to hold such office or employment shall be entitled to revert to and to receive the full amount of his original superannuation allowance from the authority which granted it.

7. *Forfeiture for fraud, &c.*] An officer or servant who is dismissed or resigns or otherwise ceases to hold office in consequence of any offence of a fraudulent character, or of grave misconduct, shall forfeit all claim to any superannuation allowance under this Act in respect of his previous service, provided that in the case of any such officer or servant the guardians may, if they see fit, return to him out of the common fund of the union a sum equal to the amount of all or part of his contributions under this Act.

8. *Return of contributions and power to grant gratuities and superannuation allowances in certain cases.*] An officer or servant who has not become entitled to a superannuation allowance, and who loses his office or employment by reason of a reduction of staff, or of any alteration of areas or boundaries, or otherwise ceases to hold his office or employment by reason of bodily injury not occasioned by his own default, or of any other cause whatever other than his own misconduct or voluntary resignation, shall be entitled to receive, out of the common fund of the union, a sum equal to the amount of all his contributions to any such fund under this Act; but if he claims under this section and subsequently obtains a fresh office or employment, he shall not be entitled to reckon his service before obtaining such fresh office or employment towards a superannuation allowance under this Act, unless upon obtaining such fresh office or employment he pays the amount so received to the common fund of the authority under whom he obtains such fresh office or employment.

In any such case of loss of office or employment as aforesaid, the guardians may also, if they see fit, with the sanction of the Local Government Board, grant to the officer or servant a gratuity, payable out of the common fund of the union, not exceeding twice the amount of his salary or wages and emoluments during the year ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment.

Provided that where such loss of office or employment occurs in a case in which the death, resignation, or insanity of one of the holders of a joint appointment vacates the office of the other, the officer or servant whose office or employment is so vacated shall, unless he is reappointed by the guardians, and except where in the case of husband and wife the joint appointment is terminated owing to the misconduct of one of them, be entitled to receive during life, out of the common fund of the union, a superannuation allowance, according to the scale laid down in this Act, if such officer or servant has attained the age of fifty years, or has served for not less than twenty years.

9. *Notice of proposed grant of allowances.*] At least one month's notice in writing shall be given to every guardian of the time at which any proposal to add a number of years to the number of years which an officer or servant has actually served, or of any proposal to return contributions to an officer or servant who has been dismissed or required to resign, or of any proposal to grant a gratuity under this Act, will be considered.

10. *Allowances not assignable.*] Every superannuation allowance granted under this Act shall be payable to or in trust for the officer or servant, and shall not be assignable or chargeable with his debts or other liabilities.

11. *Annual returns to Local Government Board.*] Every board of guardians shall make annually to the Local Government Board, in the form and at the time prescribed by the Board, a return of all superannuation allowances and gratuities paid by them under this Act during the preceding year, with such particulars as to the names and ages of the recipients and otherwise as the Board shall require.

Contribution.

12. *Obligation of officers and servants to contribute.*] Subject to the provisions of this Act, every officer and servant in the service or employment of the guardians of a union shall contribute annually for the purposes of this Act a percentage amount of his salary or wages and emoluments according to the scale laid down by this Act, such amount to be from time to time deducted from the salary or wages payable to him and to be carried to and form part of the common fund of the union.

13. *Scale of contributions.*] The percentage amounts to be deducted annually for the purposes of this Act shall be as follows, that is to say—

In the case of officers and servants with less than five years' service at the passing of this Act, or appointed after the passing of this Act, two per cent. of the salary or wages and emoluments for each year:

In the case of officers and servants with more than five and less than fifteen years' service at the passing of this Act, two and a half per cent. of the salary or wages and emoluments for each year:

In the case of officers and servants with more than fifteen years' service at the passing of this Act, three per cent. of the salary or wages and emoluments for each year.

Application of Act to other Authorities.

14. *Application of Act to district schools and asylums.*] The provisions of this Act shall apply to the managers of district schools and sick asylums, and to the managers of the metropolitan asylums district, and to their officers and servants, in like manner as nearly as may be as they apply to guardians and to their officers and servants; and the contributions of the officers and servants of such managers shall be carried to and form part of the fund applicable to the general expenses of such managers, and the superannuation allowances and gratuities under this Act shall be paid out of the said fund.

Existing Officers and Servants.

15. *Saving for existing officers and servants.*] Any officer or servant in the service or employment of guardians or any other authority to whom this Act applies may at any time within three months after the commencement of this Act signify in writing to such authority his intention not to avail himself of the provisions of this Act, and in that event it shall not be obligatory on him, notwithstanding anything in this Act contained, to make any contributions or submit to any deduction from his salary or wages under this Act, nor shall he be entitled to receive any superannuation allowance, gratuity, or other benefit, under this Act.

Any such officer or servant who has given such notice as aforesaid shall remain subject to the provisions of the Poor Law Officers' Superannuation Act, 1864 [27 & 28 Vict. c. 42], and the Acts amending the same as if this Act had not been passed, and those provisions shall for the purposes of this enactment continue in force notwithstanding their repeal by this Act.

Miscellaneous.

16. *Provision in case of paid collectors.*] In the case of a paid collector of rates or assistant overseer appointed by the guardians of a union for any parish or parishes forming part of the union, the contributions of such collector or assistant overseer shall be carried by the guardians to the credit of the parish or parishes out of which his salary or emoluments is or are paid, in proportion to his respective salaries or emoluments, and any allowance or gratuity to him under this Act shall be charged to the same parish or parishes in the like proportions.

17. *Provision in case of superintendent registrars.*] Superintendent registrars, who are remunerated wholly or partly by fees, shall pay annually the due percentage amount of their fees to the guardians of

their respective unions at the time or times prescribed by such guardians respectively, and such amounts shall be carried to and form part of the common fund of the union.

Every such superintendent registrar shall make annually in the month of October to the guardians of his union a return of the amount of the fees received by him as such superintendent registrar during the year ending on the preceding twenty-ninth day of September, and the amount so returned shall be taken as the basis upon which the percentage deduction shall be made and the superannuation allowance shall be calculated: Provided that such annual return shall be verified by a statutory declaration that the amount so returned does not exceed the total amount received by him as such superintendent registrar during the period in question.

Where the district of a superintendent registrar is situated in more than one union, the percentage amount of his fees to be carried to the common fund of each union and the amount of any superannuation allowance or gratuity to be paid to him by the guardians of each union shall be in proportion to the ratable value of the portions of the district in each union, to be ascertained by the valuation list in force, or, if there is no valuation list, by the last poor rate.

18. *Power of Local Government Board to decide questions.*] The Local Government Board, may, if they think fit, determine any question which may arise between guardians or any other authority to whom this Act applies and any officer or servant, and which may be referred to them by either party, as to the right to or the amount of superannuation allowance of such officer or servant, and the decision of the Local Government Board shall be binding and conclusive.

19. *Definitions.*] In this Act, unless the context otherwise requires—

“Guardians” includes the trustees or overseers of any parish appointed or incorporated under a local Act, and any vestry or other authority charged with the administration of the relief of the poor for any union, parish, or other area.

“Union” includes any parish or other area for which the relief of the poor is administered by guardians as above defined.

“Common fund of the union” means the fund out of which the salaries of the officers of the union, parish, or other area are paid.

“Officer” includes every officer in the service of an authority to whom this Act applies whether his whole time is devoted to the duties of his office or not; and for the purposes of this Act superintendent registrars and registrars of births and deaths and school attendance officers are deemed to be in the service of the guardians of the union in which their districts are situated.

“Servant” includes every servant regularly employed at wages by any such authority as aforesaid.

“Emoluments” includes all fees, poundage, and other payments made to any officer or servant as such for his own use; also the money value of any apartments, rations, or other allowances in kind appertaining to his office or employment.

“Joint appointment” includes any office the tenure whereof is determined by the death, removal, resignation, or incapacity of the holder of another office under the same authority.

20. *Repeal of enactments.*] The enactments specified in the schedule to this Act are hereby repealed, subject to the qualification that this repeal shall not affect the payment of any superannuation allowance granted before the commencement of this Act, nor any other right or liability acquired or accrued, nor anything duly done or suffered before the commencement of this Act; and the guardians of any union may if they see fit grant and pay a superannuation allowance under the said enactments to any officer who has retired before the commencement of this Act in the same manner, and subject to the same conditions, as if this Act had not been passed.

21. *Extent of Act.*] This Act does not extend to Scotland and Ireland.

THE SCHEDULE.
ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
27 & 28 Vict. c. 42 (1864)	An Act to provide for superannuation allowances to officers of unions and parishes.	The whole Act.
29 & 30 Vict. c. 113 (1866)	The Poor Law Amendment Act, 1866	Sections one to three.
30 & 31 Vict. c. 106 (1867)	The Poor Law Amendment Act, 1867	Sections eighteen and nineteen, and section twenty from "or when any parish" down to "allowance and."
33 Vict. c. 2 (1870)	The Dissolved Boards of Management and Guardians Act, 1870	Section ten.
33 & 34 Vict. c. 94 (1870)	The Medical Officers' Superannuation Act, 1870	The whole Act.
39 & 40 Vict. c. 61 (1876)	The Divided Parishes and Poor Law Amendment Act, 1876	Section seven and ten.

CHAPTER 51.

[*Vexations Actions Act, 1896.*]

An Act to prevent Abuse of the Process of the High Court or other Courts by the Institution of Vexations Legal Proceedings.

[14th August, 1896.]

Be it enacted, &c.:

1. *Power of court to prohibit institution of action without leave.*] It shall be lawful for the Attorney-General to apply to the High Court for an order under this Act, and if he satisfies the High Court that any person has habitually and persistently instituted vexatious legal proceedings without any reasonable ground for instituting such proceedings, whether in the High Court or in any inferior court, and whether against the same person or against different persons, the court may, after hearing such person or giving him an opportunity of being heard, after assigning counsel in case such person is unable on account of poverty to retain counsel, order that no legal proceedings shall be instituted by that person in the High Court or any other court, unless he obtains the leave of the High Court or some judge thereof, and satisfies the Court or judge that such legal proceeding is not an abuse of the process of the court, and that there is *prima facie* ground for such proceeding. A copy of such order shall be published in the London Gazette.

2. *Extent and short title.*] (1.) This Act shall not extend to Scotland or Ireland.

(2.) This Act may be cited as the *Vexations Actions Act, 1896.*

CHAPTER 52.

[*Larceny Act, 1896.*]

An Act to amend the Law with respect to the Jurisdiction exercisable in Cases relating to the Receipt or Possession of Stolen Property.

[14th August, 1896.]

Be it enacted, &c.:

1. *Punishment for receipt or possession of property stolen abroad.*] (1.) If any person without lawful excuse receives, or has in his possession, any property stolen outside the United Kingdom, knowing such property to have been stolen, he shall be liable to penal servitude for any term not less than three years and not more than seven years, or to imprisonment for a term not exceeding two years, with or without hard labour, and may be indicted in any county or place in which he has, or has had, the property.

(2.) For the purposes of this section property shall be deemed to have been stolen where it has been taken, extorted, obtained, embezzled, converted, or disposed of, under such circumstances that, if the act had been committed in the United Kingdom, the person committing it would have been guilty of an indictable offence according to the law for the time being of the United Kingdom.

(3.) An offence under this section shall be a felony or misdemeanour according as the act committed outside the United Kingdom would have been a felony or misdemeanour if committed in England or Ireland.

(4.) This section shall be construed and have effect as part of the *Larceny Act, 1861* [24 & 25 Vict. c. 96].

2. *Short title.*] This Act may be cited as the *Larceny Act, 1896*; and the *Larceny Act, 1861*, and this Act may be cited together as the *Larceny Acts, 1861 and 1896.*

CHAPTER 53.

[*Labourers (Ireland) Act, 1896.*]

An Act to amend the *Labourers (Ireland) Acts, 1883 to 1892.* [14th August, 1896.]

CHAPTER 54.

[*Public Health (Ireland) Act, 1896.*]

An Act to amend the Acts relating to Public Health in Ireland. [14th August, 1896.]

CHAPTER 55.

[*Quarter Sessions (London) Act, 1896.*]

An Act to make provisions relating to the offices of Chairman and Deputy Chairman of the Court of Quarter Sessions for the County of London. [14th August, 1896.]

Whereas it is expedient to authorize and provide for the grant of pensions to the chairman and deputy chairman of the court of quarter sessions for the county of London and to provide for the appointment of deputies and clerks as in this Act set forth:

Be it therefore enacted, &c.:

1. *Providing for a pension for the chairman and deputy chairman.*] It shall be lawful for Her Majesty the Queen to assign a pension to the chairman or to any deputy chairman of the court of quarter sessions for the county of London—

- (a) after such chairman or deputy chairman shall have attained the age of seventy years, if he shall then have completed fifteen years' service; or
- (b) after such chairman or deputy chairman shall have completed fifteen years' service, if he shall attain the age of seventy years before having completed fifteen years' service; or
- (c) in the event of such chairman or deputy chairman being disabled by permanent infirmity from the performance of the duties of his office.

Provided that no such pension shall exceed in amount two-thirds of the salary of the chairman or deputy chairman as the case may be.

2. *Providing for the appointment of deputies.*] It shall be lawful for a Secretary of State, in case such chairman or deputy chairman shall be absent by reason of sickness or other unavoidable cause, or shall be absent on such other occasions as may be allowed by such Secretary of State, to appoint a barrister of not less than ten years' standing to act as chairman or deputy chairman in the absence of such chairman or deputy chairman, as the case may be, and in case the chairman and deputy chairman shall both be absent as aforesaid, to appoint two barristers of not less than ten years' standing to act as chairman and deputy chairman during the absence of such chairman and deputy chairman. There shall be paid to every barrister so appointed the sum of five pounds five shillings for every day on which he shall sit and act as chairman or deputy chairman.

3. *Appointment of clerk to chairman.*] It shall be lawful for the chairman of the court of quarter sessions for the county of London for the time being to appoint any person he may think fit and proper to be his clerk, and to remove such clerk at his

pleasure. There shall be paid to such clerk a salary at a rate not exceeding two hundred and fifty pounds a year.

4. *Appointment of clerk to deputy chairman.*] It shall be lawful for the deputy chairman of the court of quarter sessions for the county of London for the time being to appoint any person he may think fit and proper to be his clerk, and to remove such clerk at his pleasure. There shall be paid to such clerk a salary at a rate not exceeding one hundred and fifty pounds a year.

5. *Payments by London County Council.*] Every pension, fee, and salary paid under this Act shall be paid by the London County Council out of the county fund as a general county purpose.

6. *Section 43 of Act of 1895 not to apply to future chairman.*] Section forty-three of the London County Council (General Powers) Act, 1895 (pension to chairman of court of quarter sessions), shall not apply to any chairman appointed after the passing of that Act.

7. *Short title.*] This Act may be cited as the Quarter Sessions (London) Act, 1896.

CHAPTER 56.

[*Wild Birds Protection Act, 1896.*]

An Act to amend the Wild Birds Protection Acts. [14th August, 1896.]

Be it enacted, &c.:

1. *Extension of powers under 43 & 44 Vict. c. 35.*] From and after the passing of this Act the powers exercisable by the Secretary of State on application under section eight of the Wild Birds Protection Act, 1890, shall extend to the making of an order prohibiting, for special reasons mentioned in the application, the taking or killing of particular kinds of wild birds during the whole or any part of that period of the year to which the protection of wild birds under that Act does not extend, or the taking or killing of all wild birds in particular places during the whole or any part of that period.

2. *Publication of orders.*] Public notice of any order made under this Act shall be given in the manner required by the Wild Birds Protection Act, 1894, with respect to orders made under that Act.

3. *Explanation of 57 & 58 Vict. c. 24.*] The powers exercisable under the Wild Birds Protection Act, 1894, by the county council of an administrative county are hereby declared to be exercisable by the council of a county borough, and any expenses incurred by the council of a county borough under that Act or this Act may be defrayed out of the borough fund or borough rate.

4. *Power to forfeit traps, nets, snares, &c.*] Where any person is convicted of an offence against this Act or the principal Act, the court may, in addition to any penalty that may be imposed, order any trap, net, snare, or decoy bird used by such person for taking any wild bird to be forfeited.

5. *Application to Scotland.*] This Act shall apply to Scotland with the substitution of the Secretary for Scotland for a Secretary of State.

6. *Extent of Act.*] This Act shall not extend to Ireland.

7. *Short title and collective title.*] This Act may be cited as the Wild Birds Protection Act, 1896, and shall be construed with the Wild Birds Protection Act, 1890, the Wild Birds Protection Act, 1891, and the Wild Birds Protection Act, 1894, and those Acts and this Act may be cited collectively as the Wild Birds Protection Acts, 1890 to 1896.

CHAPTER 57.

[*Burglary Act, 1896.*]

An Act to provide for the Trial of Burglaries by Courts of Quarter Sessions.

[14th August, 1896.]

Be it enacted, &c.:

1. *Trial of burglaries at quarter sessions.*] (1.) A court of quarter sessions shall, notwithstanding anything in the Quarter Sessions Act, 1849, have jurisdiction to try a person charged with burglary.

(2.) A justice of the peace when committing for

trial a person, or the fifth, or the quarter sessions, or the assize untried, or the justice, or the quarter sessions, or the [52 & 53]

2. *Short title.*] The fifth present Quarter "An Act for general a Quarter f (2.) The 1896. 3. *Extent Scotland*

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trial a person charged with burglary shall, nevertheless, commit him for trial before a court of assize unless, owing to the absence of any circumstances which make the case a grave or difficult one, he thinks it expedient, in the interests of justice, to commit him for trial before a court of quarter sessions; and the Assizes Relief Act, 1889 [52 & 53 Vict.], shall apply.

2. *Short title.*] (1.) The Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter thirty-eight, intituled "An Act to define the jurisdiction of justices in general and quarter sessions of the peace," is in this Act referred to, and may be cited, as the Quarter Sessions Act, 1842 [5 & 6 Vict. c. 38].

(2.) This Act may be cited as the Burglary Act, 1896.

3. *Extent of Act.*] This Act shall not apply to Scotland or Ireland.

CHAPTER 58.

[West Highland Railway Guarantee Act, 1896.]

An Act for authorizing the Treasury to guarantee the Interest on certain Capital of the West Highland Railway Company, and pay a Sum of Money to that Company.

[14th August, 1896.]

CHAPTER 59.

[Baths and Washhouses Act, 1896.]

An Act to amend the Baths and Washhouses Acts.

[14th August, 1896.]

Whereas it is expedient to amend the provisions of the Baths and Washhouses Act, 1878, with respect to the use which may be made of baths provided under the Baths and Washhouses Acts, 1846 to 1882:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited for all purposes as the Baths and Washhouses Act, 1896, and this Act and the Baths and Washhouses Acts, 1846 to 1882, may be cited together for all purposes as the Baths and Washhouses Acts, 1846 to 1896.

2. *Amendment of 41 & 42 Vict. c. 14, s. 5.*] From and after the passing of this Act the following proviso to section five of the Baths and Washhouses Act, 1878, viz.: "Provided always that no covered or open swimming bath when closed may be used for music or dancing," shall be repealed, so far as the administrative county of London is concerned.

Provided always—

(a) That the Commissioners appointed under the Baths and Washhouses Acts, 1846 to 1896 [56 & 57 Vict. c. 73, ss. 7 and 33 (1) (6)] or any sanitary authority or other representative

body to whom the powers of the said Commissioners shall have been transferred by any order of the Local Government Board made under the provisions of the Local Government Act, 1894, which Commissioners, sanitary authority, or representative body, are hereinafter referred to as "such Commissioners," shall before any such bath is used for music or dancing obtain a licence from the London County Council in the manner hereinafter prescribed;

(b) That no portion of the premises in respect of which the licence is granted be let otherwise than occasionally to any person or persons, corporate or otherwise, and that no money for admission be taken at the doors;

(c) That such Commissioners be responsible for any breach of the conditions on which the licence is granted which may occur during any entertainment given on such premises by their permission.

3. *Licence by London County Council.*] At any annual licensing meeting, or at any other meeting duly convened with fourteen days' previous notice, the London County Council may grant a licence for music or dancing, or for both purposes, to such Commissioners, subject to the provisions of the Disorderly Houses Act, 1751 [25 Geo. 2, c. 36], as amended by the Local Government Act, 1888 [51 & 52 Vict. c. 41].

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